

Breaking the Backlog

Restoring Fairness and Justice to
Ontario's Landlord and Tenant Board



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Executive Summary

Ontario's Landlord and Tenant Board (LTB) is facing a crisis, with more than **53,000 unresolved cases as of February 2024**. The province has made efforts to improve operations, such as appointing additional adjudicators and increasing funding. However, more needs to be done to eliminate the backlog and provide more support to landlords and tenants. The Ontario Ombudsman's 2023 audit highlighted the extent of the LTB's dysfunction which has contributed to delays, barriers to access, and discrimination within Ontario's housing system. These issues are impacting the quality of life for tenants and the availability of rental housing supply on the market.

53,000+

Unresolved cases as of February 2024

Building on the work of the Ontario Ombudsman, this report identifies critical issues within the LTB and offers concrete recommendations to restore the board's ability to deliver timely and fair justice to tenants and landlords.

Key recommendations:

1 Restoring Access to Justice: The Problem of Virtual-Only Hearings

Virtual hearings were introduced as part of the LTB's "digital first" strategy in 2020, but they have created significant barriers to justice for many Ontarians, especially vulnerable groups. Access to technology, reliable internet, and private spaces for virtual hearings has proven challenging for tenants and landlords alike, leading to chaotic, delayed, or even inaccessible hearings. Restoring in-person hearings as a default option while maintaining digital hearings when both parties agree would help address these accessibility issues. Real-time technical support must also be provided to reduce delays caused by technology failures.

2 Tackling the Growing Backlog: Delays in Case Resolution

The LTB backlog has reached a critical level, with some cases taking months or even years to be resolved. Many tenants are left in unsafe conditions and landlords struggle with unpaid rent and damaged properties due to delays. The report recommends creating a specialized backlog reduction team focused on addressing older and urgent cases. This team would report directly to the Ministry of the Attorney General and use targeted strategies to expedite the resolution of high-priority cases while keeping the flow of new cases moving efficiently.

3 Improving Efficiency: Hiring and Retaining Adjudicators

Despite the recent hiring of more adjudicators, the LTB still struggles with efficiency due to a lack of proper training and a reliance on part-time staff. Cross-appointment of adjudicators with other tribunals limits the time they can dedicate to LTB cases. This report recommends enhancing the training process for adjudicators to ensure they are prepared to handle a wide variety of cases. Additionally, part-time adjudicators should be assigned workloads that reflect their availability, and funding should be aligned with service demand to ensure staffing matches the LTB's growing caseload.

4 LTB Appointments: Ensuring Stability in Tribunal Staffing

The current appointment process for LTB adjudicators can be slow and often leads to turnover after elections, disrupting case flow. Adjudicators with significant expertise are often replaced which further exacerbates delays. This report calls for streamlining the appointment process by introducing reforms that ensure qualified, experienced adjudicators remain in their positions. Establishing an independent body, such as an Adjudicative Tribunals Justice Council, would ensure that appointments are based on merit and experience.

5 Internal Challenges: Part-Time Adjudicators and Staff Training

The province should ensure The LTB is providing training to all staff and should consider the limited time frame that part-time adjudicators are able to spend on LTB-specific cases when determining future funding and staffing opportunities to the LTB.

6 Delayed Justice: Timelines for LTB Cases Prior to Termination Dates

Lengthy delays at the LTB prevent both landlords and tenants from receiving timely decisions on critical issues, such as evictions, rent arrears, and repairs. This report recommends enforcing stricter timelines for resolving cases, particularly those related to tenancy terminations.

7 Operational Delays: The Impact of Outdated Technology

The LTB's outdated case management system has contributed to delays and inefficiencies in scheduling and processing cases. Numerous technological failures, including system outages and lost applications, have worsened the backlog. This report recommends the government provide dedicated funding to upgrade the LTB's technology infrastructure and improve case management systems. Regular updates on system functionality should be provided to the Ministry of the Attorney General, and staff must receive proper training to handle increased volumes of cases without significant delays.

8 Unfair Termination of Applications: Enhancing Screening Processes and Guidance

Many LTB applications are dismissed due to minor errors, such as misspelled names or incomplete fields, which could be easily corrected. These so-called "fatal errors" often lead to months of delay before applicants can resubmit their cases. This report calls for better screening processes to prevent these unnecessary terminations. The LTB should alert applicants of any missing or incorrect information within a set time frame, allowing them to make corrections before their applications are dismissed.

9 Delayed Hand-Offs: LTB Member Reappointments and Pending Cases

The expiration of adjudicator terms often leads to unresolved cases being reassigned, causing further delays. The current system of tracking member terms is inefficient; it can take up to 60 days to transfer cases to new adjudicators. This report recommends the LTB take a more proactive approach to managing the expiration of member terms, including the reassignment process earlier to avoid bottlenecks. Additionally, the *Residential Tenancies Act* should be amended to allow for longer extensions of adjudicator terms when necessary to complete pending cases.

10 Fight Discrimination and Other Barriers: Review Practices Impacting Renters & Landlords

Discrimination against renters—particularly young people, newcomers, and marginalized groups—is a persistent issue in Ontario's rental market. The burden of proving discrimination falls on tenants which discourages many from pursuing complaints. This report recommends introducing a government-subsidized guarantor program to support renters who lack a Canadian credit history or co-signer. Additionally, the government should fund investigative studies into discriminatory practices in the rental housing sector and introduce fairer tenant screening processes to prevent bias based on race or other factors during the application process.

By implementing these recommendations, the Ontario government can significantly improve the operations of the LTB, reduce the backlog of cases, and ensure that all Ontarians have access to fair and timely justice in rental housing disputes. Urgent action is needed to address these critical issues and restore public confidence in the LTB's ability to uphold housing rights across the province.

Introduction

The Landlord and Tenant Board (LTB) plays a vital role in the lives of tens of thousands of Ontarians. Its mandate is to resolve disputes between residential landlords and tenants and provide information about its practices and procedures, and the rights and responsibilities of landlords and tenants under the *Residential Tenancies Act, 2006*.ⁱ The LTB underpins public (tenant and landlord) confidence in the rental housing market. As such, its role is central to the ability of the province to provide affordable rental housing sufficient to meet the demand of a growing province.

Years of underfunding, inefficiencies, and a slow appointments process have contributed to a rental market in which discrimination, harassment, and unsafe living conditions are all too common. The Ontario Ombudsman's 2023 audit of the LTB revealed how these issues have created an enormous backlog of unresolved cases, leaving both tenants and landlords in prolonged states of uncertainty and hardship. Specifically, this report revealed the severe backlog and inefficiencies plaguing the LTB. The number of pending cases skyrocketed from 20,000 in 2020 to 53,000 by February 2024. According to the ombudsman, as of March 2023, it took up to nine months to schedule a hearing for a landlord applicant while tenant applicants might have to wait as long as two years.ⁱⁱ Unfortunately, the issues at the LTB are disproportionately impacting landlords. According to the ombudsman's report, landlords filed 84% of complaints while tenants filed just 12%.

"Landlords filed 84% of complaints while tenants filed just 12%.

Source: Ontario Ombudsman 2023

LTB reform is urgently needed to help Ontario tackle the dual threat of lack of housing supply and growing rental demand. The growth of renter households (+21.5%) was more than double that of owner households (+8.4%) from 2011 to 2021 in Canada. According to Statistics Canada, renters in Ontario are facing significant affordability challenges with 52.1% of recent renters and 35.2% of existing renters living in unaffordable housing.ⁱⁱⁱ To bring affordability back to the market, Ontario must build 1.48 million new homes by 2030 address to housing supply gaps, including hundreds of thousands of rental units.^{iv} Ensuring the LTB is fairly and expediently resolving disputes between tenants and landlords is crucial to ensuring that tenants' hard-earned rental dollars are being respected and that the rental property market continues to be an attractive opportunity for the investment capital we desperately need to build new housing supply.

This report examines the root causes of the LTB's failures and offers concrete recommendations to restore the tribunal's functionality. By streamlining the appointment process, improving case management, and balancing in-person and virtual hearings, the government can address the most pressing challenges and rebuild trust in Ontario's rental dispute system.

+21.5% vs. +8.4%

2011-2021 growth in renter
vs owner households.
Source: 2021 Census



Analyses and Recommendations

Restoring Access to Justice

The Problem of Virtual-Only Hearings

Prior to the onset of the pandemic in March 2020, most hearings at Ontario’s LTB took place in a hearing room where legal proceedings would be conducted between landlords and tenants through a face-to-face process. The transition of essential services to virtual platforms significantly altered many practices, including case hearings, which were traditionally held in person. This was not an uncommon shift as several Canadian provinces moved to online case hearings for landlord tenant disputes. Alberta schedules all Residential Tenancy Dispute Service hearings via telephone conference.^v Similarly, British Columbia holds virtual hearings through the Microsoft Teams platform where parties must be able to access video capabilities for the duration of their meeting or a phone-in option is available for those who do not have access to the online format.^{vi}

Virtual hearings were adopted as part of the LTB’s 2020 “digital first” strategy which permanently made all hearings remote to be conducted by telephone or virtual platforms.^{vii} The strategy was meant to innovate and modernize services; however it has had the opposite effect, acting as a barrier to justice for many who require LTB services.^{viii} In 2023, Ontario’s Ombudsman noted that many tenants do not have access to video technology and therefore had to participate in hearings by phone. Virtual hearings were described by members of the LTB as “chaotic” due to the volume of participants online and problems with technology which caused parties to drop out suddenly, receive the wrong links for joining their hearings, or become entirely disconnected.^{ix} As per the ombudsman’s report, the 2021 board associate chair explained the use of technology actually slowed operations at the LTB and that problems can only be resolved or troubleshooted through the Ontario Public Service help-line, resulting in a minimum 15-minute wait.^x As further noted by the ombudsman’s report, a need exists for real-time technological assistance to move hearings forward and reduce the wait times associated with troubleshooting online hearings.^{xi}

Beyond delayed hearing times, virtual formats have amplified accessibility issues, especially among vulnerable groups. People living in poverty and those who lack sufficient Wi-Fi or a private place to participate are particularly affected.

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Additionally, those who do not speak French or English, and survivors of intimate partner violence who cannot safely conduct a hearing from home, are at risk of reduced access to LTB services.^{xii} Seniors are another group who are adversely impacted by the digital shift as many do not have experience using online platforms like Zoom. Ontario has provided access terminals that can be used for hearings located in Toronto, Hamilton, London, Ottawa, and Sudbury.^{xiii} When tenants do not have access to technology to support a hearing, they are expected to travel to one of the permanent access centres or otherwise request further accommodation. These centres can be far from where landlords and tenants are located and can be difficult to access for those individuals who may have disabilities or on low-income.^{xiv}

"Earlier this year, Toronto City Council passed a motion requesting the Government of Ontario "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."^{xv}

Earlier this year, Toronto City Council passed a motion requesting the Government of Ontario "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."^{xv} Although parties can request in-person hearings, the ombudsman found that only 10% of these requests were granted, with stringent conditions for approval. Landlords and tenants can request accommodation under the Ontario Human Rights Code if the virtual format would lead to an unfair hearing.^{xvi}

Chatham-Kent City Council joined Toronto in lobbying for this change, sending a letter to the province urging the implementation of the 61 recommendations in the ombudsman's report. The council also called for the reinstatement of in-person hearings to remedy the problems faced by the Chatham-Kent Legal Clinic which supports tenants and landlords seeking dispute resolution through the tribunal.^{xvii} Hamilton City Council and the City of Mississauga have also advocated for the same change, demonstrating that this issue extends beyond a single community and is affecting tenants and landlords across the province.^{xviii}

Online hearings are accessible to those who have internet a laptop or a cell phone, allowing them to conduct hearings from the comfort of their own home. However, this format also highlights a significant digital divide, contributing to major inequities for those requesting hearings. The government must act on recommendations from the Ontario Ombudsman related to creating a more balanced system at the LTB for both landlords and tenants, ensuring all users have access to their right to a fair and timely adjudication process.

Recommendation #1

The Landlord and Tenant Board should revise the current "digital first" strategy to allow landlords and tenants to have default access to both in-person hearings and digital hearings, if the digital option is more accessible to both parties. Additionally, the LTB should provide real-time technological assistance to reduce the wait times associated with issues related to online hearings.

Tackling the Growing Backlog

Delays in Case Resolution

The backlog at the LTB cannot be understated. According to the most recent data available from Tribunals Ontario, at the end of the 2022–2023 fiscal year, the LTB had more than 53,000 unresolved cases in its system. There have been instances where landlords are forced to live in their businesses while waiting to hear the outcome of applications^{xxix} and tenants have had to live in units that are in a state of disrepair due to a landlord’s negligence.^{xx} Because of the current state of the rental market, many landlords and tenants have no choice but to remain in situations where they face harassment or unsafe living conditions while they wait for a verdict from the LTB.^{xxi}

Given the high cost of rent and low vacancy rate in Toronto’s rental market, it is crucial to note that many cannot wait for decisions on housing, eviction, repair, and rent payments to extend beyond 30 days. Prior to 2018, the LTB was able to make decisions around applications within an average of 29 days.^{xxii} Other provinces, such as British Columbia, have also made significant investments to ensure timelines for decisions are kept within reason at their provincial Residential Tenancy Branch. The province offers a stream for disputes that are identified as cases that need to be “fast-tracked,” including hearings for unpaid rent or utilities. The timelines of hearing these cases have decreased by more than 52% from February 2023 to February 2024, resulting in an average wait time of less than five weeks for a hearing.^{xxiii} Comparatively, Tribunals Ontario estimates that non-payment of rent applications (L1 and L9) will be heard within five months of filing an application.^{xxiv} In contrast to common landlord applications, the ombudsman’s report found that tenant applications could take up to two years to be scheduled, but most new matters are currently being scheduled to be heard by the LTB within seven to eight months.^{xxv}

Before addressing the current delays at the LTB, it is crucial to understand the root causes. From March to August 2020, the government implemented a five-month moratorium on eviction hearings, losing the opportunity to schedule and process approximately 25,000 opportunities for case resolution.^{xxvi} Last year, Ontario also experienced a higher monthly active case count at 7,000 cases per month compared to about 5,500 per month in 2022, demonstrating a 25% increase in board activity.^{xxvii} Increasing complexity and the number of applications being received have contributed to a severe case backlog.

To lessen the impact of the backlog on other operations at the LTB, the province should establish a specialized backlog reduction panel, separating the process for managing incoming cases with those applications that have been awaiting hearings. The government should look to a recommendation from Tribunals Ontario which calls for a transparent and competitive process separate from Tribunals Ontario for the selection of senior leadership who would report directly to the Ministry of the Attorney General.^{xxviii} This process would ensure that the members had significant experience in backlog reduction initiatives. Additionally, per the ombudsman report, the government should implement policies that will allow the number of Landlord and Tenant Board members to change in response to unprecedented circumstances where case backlogs accumulate rapidly.

\$2499/m

October 2024 average rent for
a one-bedroom apartment
Source: TRREB

Recommendation #2

Establish a specialized team that would report directly to the Ministry of the Attorney General with a sole focus on reducing the current case backlog at the LTB.

Improving Efficiency

Hiring and Retaining Adjudicators

In 2023, Ontario announced a \$6.5 million investment in the Landlord and Tenant Board to appoint 40 adjudicators and hire five additional staff members to enhance and strengthen its operations.^{xxix}

As a result, by 2024, the LTB had 70 full-time and 58 part-time adjudicators, many of whom had been appointed since May 2023.^{xxx}

Despite substantial investments aimed at improving the efficiency of the LTB, there remain concerns regarding the actual impact on processing times and backlog reduction. This can partially be explained by the current appointment process at the LTB. The process for appointing members is unnecessarily time-consuming. There are currently 11 stages in the appointment process, which includes the involvement of the LTB, Tribunals Ontario, the Ministry of the Attorney General, the Attorney General, and the provincial Cabinet. The executive chair of Tribunals Ontario noted that in some cases, the recruitment and appointment of members involved 122 distinct steps.^{xxxi}

Retention of adjudicators is another significant problem. As noted in the ombudsman’s report, performance reviews for members are conducted seven months before the expiry of their term or contract, resulting in uncertainty around appointment status and leading to retention issues. This has caused the LTB to lose knowledgeable and experienced adjudicators.^{xxxii}

11 Stages

in the LTB appointment process

Recommendation #3

The government should encourage stronger recruitment strategies and more clarity for members regarding guidance for appointments and contract renewals. The government should direct Tribunals Ontario and the LTB to enhance hiring processes, ensuring the board retains valuable adjudicators and provides clear guidance to its members.



LTB Appointments

Ensuring Stability in Tribunal Staffing

Transitions between governments have negatively impacted thousands of landlords and tenants who depend on government services to resolve issues related to tenancy in Ontario. In 2018, the transition to a new government eventually led to a drop in the number of adjudicators working at the LTB.

Prior to the ombudsman's review of the board, Tribunal Watch Ontario, a group of lawyers and adjudicators, reviewed the appointment process pre-pandemic, noting that discarding experienced and skilled adjudicators post-election significantly impacted on the system by worsening delays.^{xxxiii} As it stands, appointments must be awarded according to the *Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009*, but there is no official committee or oversight for tribunal appointments, causing those without the required qualifications to be appointed.^{xxxiv} Prior to the 2018 election, the government was reluctant to appoint new members to the board, a common practice that is followed to limit government activity before a major election. While this approach is understandable, it contrasts with policy practices elsewhere in Canada, specifically in Saskatchewan, where tribunal members continue to be appointed even during election periods.^{xxxv} Similarly, Nova Scotia, Manitoba,^{xxxvi} and New Brunswick all allow some tribunal and board members to remain in their positions as dictated in legislation that governs these government bodies.^{xxxvii}

Election Stabilizing Appointment Policies

Saskatchewan, Nova Scotia
Manitoba, New Brunswick

No Appointments Before an Election

Ontario

In terms of appointments, Tribunal Watch Ontario has noted that in the past, applicants and proposed appointments were required to appear before the Legislature's Standing Committee on Government Agencies to speak on their background and qualifications for their appointment.^{xxxviii} They noted that appointees who choose to not present themselves before the committee are not forced to appear, speaking to the limited oversight system that exists for appointments to provincial tribunals.

Landlords and tenants in Ontario deserve to have their cases heard before experienced adjudicators who have been appointed on stringent criteria and are well-versed in the appropriate area of law. The current process of government appointments delays access to justice and can only be solved with legislative amendments. The province should consider the introduction of an Adjudicative Tribunals Justice Council which would act as an independent, non-partisan body to monitor tribunal appointments to streamline and stabilize processes at tribunals. This legislative proposal complements the Ontario ombudsman's recommendation to amend the *Residential Tenancies Act, 2006* (RTA) to ensure adjudicators are in place before and after elections, guaranteeing these periods do not contribute to future delays and create significant backlogs at the LTB.

Recommendation #4

The province should amend the RTA to extend member terms throughout election cycles to reduce turnover and lack of appointments between government transitions. The province should also introduce an Adjudicative Tribunals Justice Council to ensure tribunals are performing in a way that reduces political influence and guarantees stability so that the LTB is operating fairly and effectively.

Internal Challenges

Part-Time Adjudicators and Staff Training

Although the government has made a significant investment in the LTB, including providing financial resources for the hiring of additional adjudicators, internal processes must be overhauled before landlords and tenants will feel the impact.

A critical factor to consider is the part-time status of some of the LTB's adjudicators. As highlighted by the Ontario Ombudsman in January 2023, five adjudicators were cross-appointed with responsibilities at other provincial tribunals, resulting in limited time allocated to LTB cases. This cross-appointment arrangement may undermine the effectiveness of the investment as these members cannot fully dedicate themselves to the LTB's caseload.^{xxxix}

These part-time and cross-appointed members may increase the total number of LTB staff, but do not necessarily reflect how much can be achieved given their workloads and priorities. The Ministry has previously noted Tribunals Ontario and the board assign work and caseloads, particularly for part-time adjudicators, which demonstrates the government's reliance on the LTB to manage work assignments with little guidance.^{xl} Considering the current state of the LTB, the Ministry should provide guidance to the board, with both parties coming to an agreement on definitions for part-time work and targets for members who are cross-appointed related to standards for successful adjudication and case management at the LTB and consider the impact of part-time adjudicators on case timelines.

"The board expects new members to spend a minimum of four days over a two-week period observing hearings and being shadowed by an experienced adjudicator.

However, the ombudsman noted that these expectations were not always met. In one instance, a member observed multiple hearings in one day and was then immediately scheduled to lead their own.^{xlii}"

In addition to the problems associated with part-time staff, the board has failed to implement adequate training services for the range of cases that pass through the LTB. The transition to virtual training in March 2020 significantly impacted adjudicators. Many described the virtual training process as "excructingly difficult"^{xli}

The board expects new members to spend a minimum of four days over a two-week period observing hearings and being shadowed [are they shadowing the experienced adjudicators, or are the adjudicators shadowing the new members? Right now we're saying it's the latter] by an experienced adjudicator. However, the ombudsman noted that these expectations were not always met. In one instance, a member observed multiple hearings in one day and was then immediately scheduled to lead their own.

It was also noted that during the fall of 2020 when the LTB gave priority to landlord applications to evict tenants for non-payment of rent, observation and participation from members in training was only focused on these issues.^{xliii} As of 2021, there were 72 members, many of which were part-time staff who were able to adjudicate on applications. Nine members could only address landlord applications for eviction for non-payment of rent and collection of rent, two could only address applications for eviction for non-payment of rent, and 20 were still in training and therefore could not conduct any hearings.^{xliv} The LTB has taken steps to prepare members to be able to hear any type of application, but as is proved by the ombudsman’s review, this process is arduous. Ensuring members are fully trained allows cases to move through the LTB more efficiently, reducing backlogs, and strengthening the skills of adjudicators.

Recommendation #5

The province should ensure the LTB is providing training to all staff and should consider the limited time frame that part-time adjudicators are able to spend on LTB-specific cases when determining future funding and staffing opportunities to the LTB.



Delayed Justice

Timelines for LTB Cases Prior to Termination Dates

Under the *Residential Tenancies Act, 2006*, landlords must apply to the LTB to terminate a lease. They do this by presenting forms to their tenants that outline the reason for termination and by submitting an application to the LTB. The LTB is unable to enforce an eviction without a fair hearing.

When a tenancy tribunal is operating efficiently, this process provides landlords and tenants with the ability to plan for relocation, prepare for hearings, and be provided with an outcome before the rental or notice period is over. However, delays have caused significant strife for both landlords and tenants who are trying to navigate the LTB. There have been several news reports where landlords have struggled to recover rent arrears with no hearing date in sight.

In one example, a small landlord who owns one rental property has been **unable to get a hearing to recover \$34,000 of unpaid rent from his tenant.**^{xlv}

In another case, a tenant who stopped paying their rent and utilities was ordered to be evicted by the LTB, **but the second application regarding paying the owed rent to the landlord had not been set, providing no clarity for the landlord.**^{xlvi}

Similarly, tenants who have faced **unsafe living conditions** and above-guideline rent increases have been told there may be a **minimum wait time of two years before their case can be heard.**^{xlvii}

In another example, a tenant, whose case **took two years to be heard, was awarded more than \$16,000** for being evicted in bad faith by their landlord.

The experience of landlords and tenants have led to a lack of trust around processes that should deliver timely justice. The N12 (notice to end a tenancy for personal use), N13 (notice to end a tenancy for renovation), and N4 (notice to end a tenancy for non-payment of rent) are among the forms that are often under scrutiny for their use by landlords. Landlords who abuse the rental system and serve N12s to evict tenants and exorbitantly inflate rental prices have made it more difficult for these hearings to be expedited at the LTB.^{xlviii}



"In British Columbia, landlords must provide tenants with three months (approximately 90 days) notice if the landlord wants to end a tenancy for personal use of the unit."

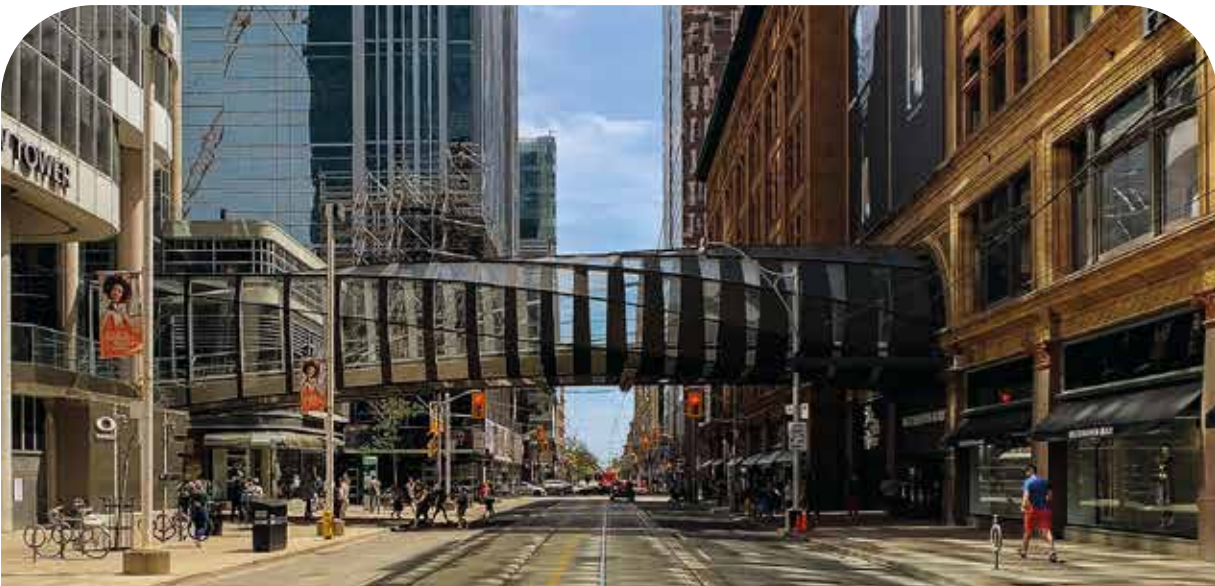
In order for a landlord to issue an N12 in good faith, they must intend to live in the unit for at least one year.^{xlix} When tenants are served with an N12, it is also their right to remain in the apartment until a hearing proceeds at the LTB at the request of the landlord. The termination date must be at least 60 days from when the landlord serves the tenant and coincide. In British Columbia, landlords must provide tenants with three months (approximately 90 days) notice if the landlord wants to end a tenancy for personal use of the unit with the end of a rent period or the end of a fixed term if there is a lease, and the landlord must apply to the LTB within 30 days of the termination date.^l

This timeline is 30 days more than the current notice period at Ontario's LTB. British Columbia has a timeline of five weeks for scheduling "fast-tracked" hearings and nine weeks for standard hearings,^{li} with an arbitrator issuing a final decision within 30 days of the hearing.^{lii} This is well within the four-month notice period, meaning cases should be able to be heard before termination dates.

Aside from ensuring that timelines for hearings at the LTB are within reason, the government should consider British Columbia's recent amendments around increasing notice periods. Not only would this provide more notice to tenants, but it would also provide the LTB with a longer time frame in which to schedule hearings and ensure landlords and tenants can have a decision by the end of a tenancy period.

Recommendation #6

The government should increase the amount of notice a landlord must provide when requesting a unit for personal occupancy and mandate that hearings and decisions are made before the termination date of a tenancy.



Operational Delays

The Impact of Outdated Technology

First introduced in 2008, the LTB's case management system has consistently struggled to support the scheduling and other administrative matters necessary for hearings. These problems have since proliferated, adding to more delays and a backlog of more than 50,000 cases.

The Ontario Ombudsman points to many examples of technological dysfunction in his report, including:

Between July and August 2019, a calendar issue resulted in the accumulation of more than 1,500 applications that were unable to be processed.^{liii}

In November and December 2020, after the board had just paused operations due to the pandemic, another technological failure resulted in difficulty generating documents like notices of hearing, requiring members to produce these documents manually.^{liv} In fact, at times the system was so slow, LTB staff reported that "the old-fashioned way of handwriting is faster than the data-entry method."^{lv}

The Ministry of the Attorney General and Tribunals Ontario launched a new case management system in 2021 with the goal of allowing applications and overall functioning of the LTB and other tribunals to be more efficient. This system contained many problems, including 700 instances where applicants were forced to resubmit their applications, as the online portal had a bug that caused them all to be uploaded as blank documents.

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Although many of the issues were resolved, more than 38,000 applications were still awaiting scheduling as of January 2023.^{lvi} Constant troubleshooting and manual work by staff further delayed LTB processes as the LTB spent years implementing their new digital system. The LTB encourages landlords and tenants to submit applications via an online portal, but also allows applications to be delivered by mail or in person. The ombudsman found that although both options were available, applications through the portal were uploaded into the system immediately, whereas email, mail, and in-person applications were being entered into the board's system within three months.^{lvii} These timeframes further demonstrate the deep accessibility divide where those who are technologically savvy and have access to a computer will be afforded a better standard of service than those who do not.

Recommendation #7

The LTB must audit its existing technology systems and provide a clear timeline to the province on when existing issues will be resolved. Further, the province should provide additional funding to update technology and train staff to respond to ensure that no discrepancies exist between the filing and scheduling of applications submitted through the portal, email, or in person.

Unfair Termination of Applications

Enhancing Screening Processes and Guidance

In 2019, the LTB was in a “moribund state” due to myriad inefficiencies that resulted in the board’s inability to process applications or deal with simple administrative or technological problems. To resolve the problems and bolster the systems, Tribunals Ontario introduced the Navigate Tribunals Portal in 2021.^{lviii} Applications that are filed through the portal are screened so that incomplete fields are flagged for applicants and that necessary documents are attached. Customer service officers are directed to follow a checklist that ensures applications do not have “fatal errors,” and if they do, applicants are contacted for correction.

The term “fatal error” might suggest an issue so significant that it would completely disrupt or alter the purpose of an application to the LTB. In reality, a fatal error can be as simple as a misspelling or

“In one particularly notable case, a landlord, who was dying of stage 4 lung cancer at the time of filing an N12 application with the LTB, had her case rescheduled twice.”

misrepresentation of an address. In one particularly notable case, a landlord, who was dying of stage 4 lung cancer at the time of filing an N12 application with the LTB, had her case rescheduled twice. The second time, she was alerted that she had failed to include the unit number on her application, leading to the dismissal of case. The woman was forced to begin the application process over again due to the missing unit number. Six months after filing her initial application, she succumbed to her illness, living out her final days with constant harassment and missed rent payments from her tenants.^{lix}

This case should be alarming to the provincial government. An Ontario resident, suffering from a serious illness had to spend their final months filing applications with the LTB while enduring tenants who were sexually harassing and disturbing her and her family. One mistake led to months of hardship—an avoidable error that could have been solved through correct screening processes at the LTB.



"Better screening of applications, whether by administrative staff or using digital software, can catch these "fatal errors" before applications go all the way to the hearing stage."

The board provides some circumstances in which applications can be amended. Under the *Residential Tenancies Act, 2006*, applications can be amended under rules outlined by the board, including the fixing of spelling errors. Other failures to comply with requirements, as listed as part of a checklist on the LTB's website, will result in the termination of an application.^k

Better screening of applications, whether by administrative staff or using digital software, can catch these "fatal errors" before applications go all the way to the hearing stage. This can save tenants months of stress and uncertainty and allow the LTB to quickly identify and remedy errors. Moreover, improved screening would not waste valuable LTB resources processing incomplete or unsatisfactory applications.

Recommendation #8

The government must encourage the LTB to establish more streamlined screening processes to avoid the dismissal of applications after they have been submitted due to common user errors, spelling mistakes, or missing information. The LTB should be required to alert applicants of their failure to include specific information within a set time frame (for example, three business days) from identifying the "fatal error."



Delayed Hand-Offs

LTB Member Reappointments and Pending Cases

Members of the LTB are appointed by the Lieutenant Governor in Council. Some members are cross-appointed to other tribunals within Social Justice Tribunals Ontario.^{lxi}

When a member's term expires and unresolved cases in their control have not been reassigned, it typically takes an additional 45 to 60 days to transfer these cases to another adjudicator.^{lxii} This gap in reassignment must be addressed to prevent creating a bottleneck of unheard cases. Typically, the LTB begins to coordinate with members to reassign and determine if they can close case assignments three months before their term ends.^{lxiii} In addition, the LTB must qualify this data to understand how many cases adjudicators have remaining near the end of their term, particularly during busier periods. This would allow for a more informed evaluation of whether the LTB should start planning for case reassignment earlier than the current average (the three-month mark) before term expirations.

Additionally, when members' appointments do end, there is the opportunity for a four-week extension under the RTA.^{lxiv} This extension is limited to four weeks, differing from the term regulations that apply to other tribunals under the *Statutory Powers Procedure Act*. Given the current understaffing at the LTB, specifically during election transitions, the government should consider amending the RTA to allow for longer term extensions. This would allow experienced adjudicators to complete their case assignments without interruption, enhancing the LTB's overall operations and functioning.

45-60 Days

Time it takes to transfer LTB cases to another adjudicator.

Recommendation #9

The LTB should establish a more proactive and systematic approach to managing the expiration of member terms. The government should also look to amend the RTA to allow for longer term extensions for adjudicators at the LTB and lessen disruption for landlords and tenants due to internal turnover.



Fight Discrimination and Other Barriers

Review Practices Impacting Renters and Landlords

As many Canadians are priced out of the housing market when it comes to homeownership, rentals have become a critical part of the Canadian housing ecosystem. The lack of housing supply has increased instances where renters representing vulnerable groups are facing discrimination. In fact, 43% of REALTORS® claim to have seen a rental deal fall through because of discrimination.^{lxv} When reporting instances of blatant discrimination as a potential tenant or existing renter, a staff lawyer at the Advocacy Centre for Tenants Ontario notes that the burden of proving violations of the Ontario Human Rights Code falls squarely on tenants. This process is often long and burdensome, discouraging many from pursuing restitution.^{lxvi}

One of the largest barriers to renting is the lack of a Canadian credit history or a co-signer or guarantor to support a lease. In cities where having a guarantor is essential to securing a lease, private companies offer “guarantor insurance” where companies act as a guarantor to allow renters a better opportunity to qualify and get approved. Companies request 40% to over 100% of a full month’s rent payment as a fee, and the policy insures the landlord for the term of the renter’s lease.^{lxvii} These private companies are unrealistic options for many people who do not have the ability to pay more than a full month’s rent payment as an additional cost to secure housing.

“Manitoba introduced the Rent Guarantee Program, which provides at-risk women, previously incarcerated individuals, youth, and newcomers who have the capacity to pay their rent with a guarantor.”^{lxviii}

Other programs are more aligned with the needs of individuals likely to require a guarantor. For example, Manitoba introduced the Rent Guarantee Program, which provides at-risk women, previously incarcerated individuals, youth, and newcomers who have the capacity to pay their rent with a guarantor.^{lxviii} This program bridges the gap between those who are willing and able to enter the rental market but have faced previous barriers due to a lack of rental history. As demand in Ontario’s rental market remains high, landlords can afford to be more selective when it comes to choosing a rental candidate. The government has a role to play when it comes to supporting individuals who are being blocked from the rental market through the establishment of a government-subsidized guarantor service for those who do not have another option.

43%

of REALTORS® claim to have seen a rental deal fall through because of discrimination.

Source: OREA Fighting for Fair Housing Report, 2021



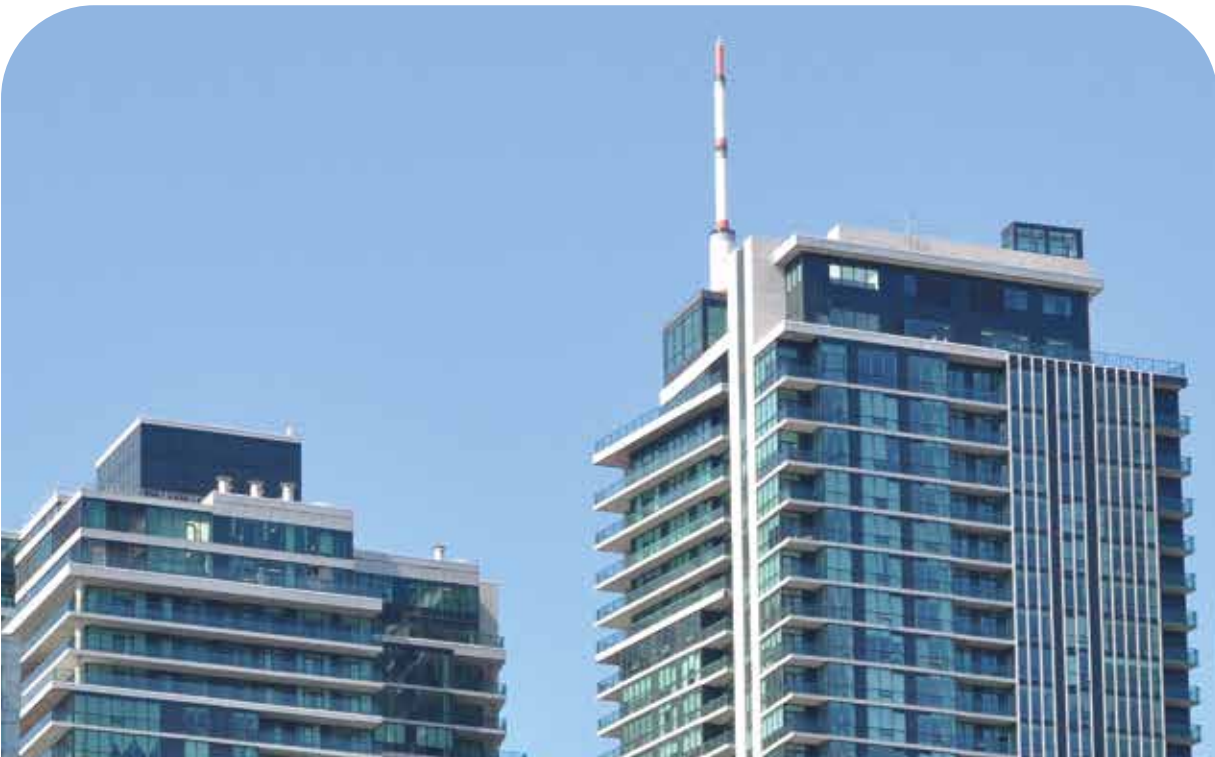
When it comes to discriminatory practices, many Ontarians have taken matters into their own hands. The Black Housing Directory Facebook Group was created for the racialized renter looking to connect with landlords and agents to share housing listings/rentals owned and operated by people of colour, as well as landlords who don't discriminate and are open to rent to people of colour.^{kiv} Although the Ontario Human Rights Code is in place to protect individuals from discrimination in the rental market, the existence of groups like the Black Housing Directory and those targeted as 2SLGBTQIA+ renters indicate that more work needs to be done. While the Human Rights Tribunal offers a process for filing discrimination complaints, it can be time-consuming and challenging to provide sufficient evidence of racism and discrimination.

Organizations have developed ways to identify and document systemic racism in housing. The Fair Housing Justice Center (FHJC) investigations have led to more enforcement of fair housing laws and have recovered millions of dollars in damage and civil penalties due to unfair treatment.^{lx} This is a replicable program that could contribute to a broader understanding of discriminatory practices and the stages that typically occur during the rental process.

Lastly, requiring a driver's licence or other proof of identification can immediately reveal a tenant's race to a potential landlord. Incorporating other policies, like allowing landlords to use forms of identification that do not contain a photograph, would reduce the reliance on driver's licences as identification mechanisms for tenants.

Recommendation #10

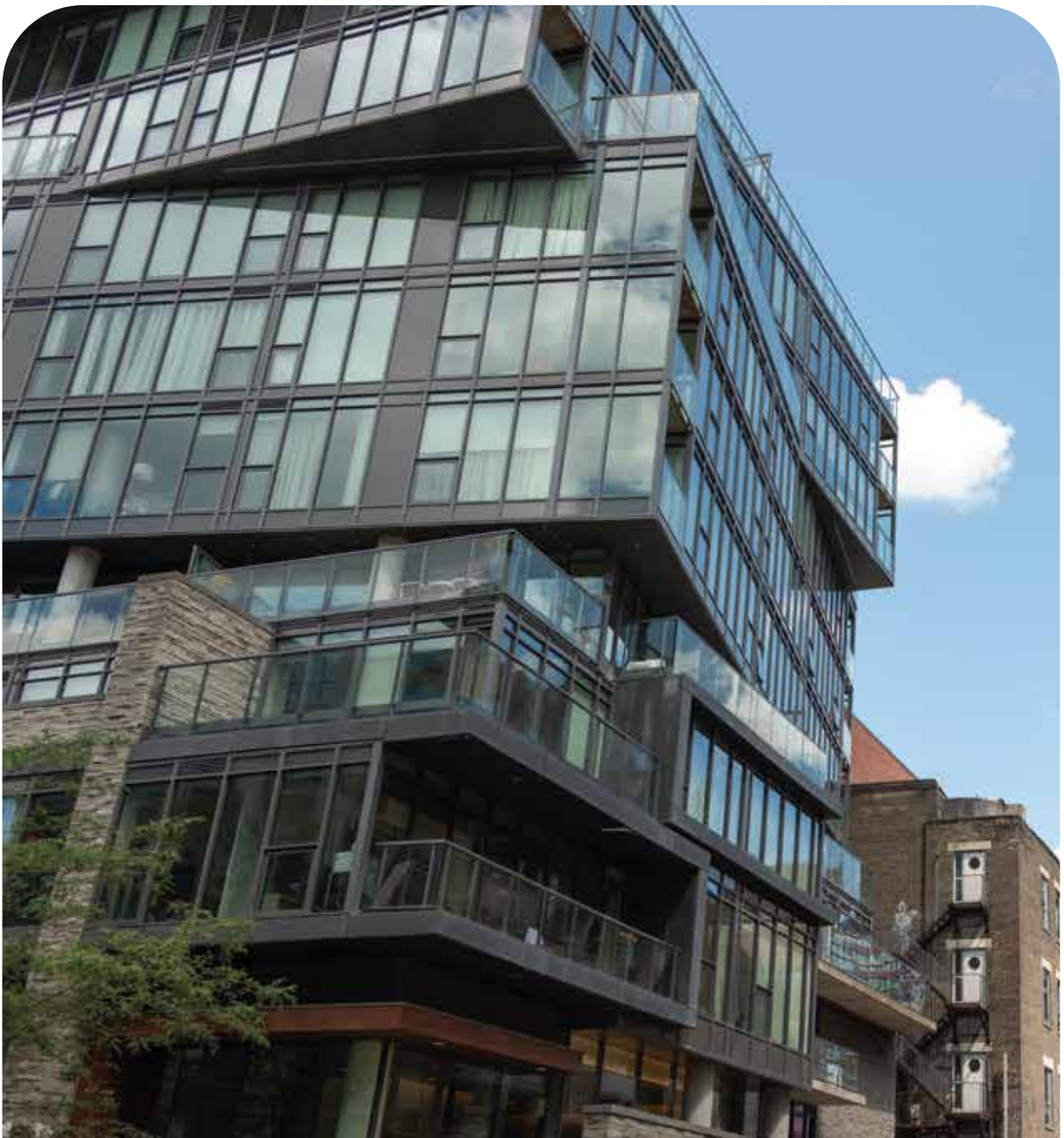
The province should create a pilot Rent Guarantee Program for populations who do not have access to credit applications, and review tenant-screening practices to see where there are practicable opportunities to reduce biases and discrimination toward tenants.



Conclusion

The problems facing Ontario’s Landlord and Tenant Board are longstanding, systemic, and deeply rooted in years of neglect. The LTB’s failure to provide timely and fair adjudication of cases is directly affecting the lives of thousands of Ontarians—both landlords and tenants—every day. While the government has made some strides in improving the board’s operations, the continued growth of the backlog and the deepening accessibility divide show these efforts are insufficient.

Meaningful reforms are within reach. By implementing the recommendations outlined in this report, the Ontario government can significantly improve the efficiency and fairness of the LTB. Depoliticizing adjudicator appointments, restoring the option for in-person hearings, and addressing technological shortcomings are all critical steps toward restoring public confidence in the LTB. Urgent action is required to ensure that Ontarians have access to a rental dispute system that protects their rights and provides timely justice.



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