

Administrative Justice Delayed, Fairness Denied **Facts and Highlights**

Investigation into whether the Ministry of the Attorney General, Tribunals Ontario and the Landlord and Tenant Board are taking adequate steps to address delays and case backlogs at the Landlord and Tenant Board.

Ombudsman's investigation

Number of recommendations: **61 (full list page 87)**

- Recommendations accepted by Ministry and Tribunals Ontario
- Government announced \$6.5 million to add 40 adjudicators and 5 Board staff

Total complaints received about the Landlord and Tenant Board

Prior to launch of investigation (January 2018 through December 2019): **471**

After launch of investigation (January 2020 through April 2023): **4,345**

Percentage of complaints received from landlords: **84%**

Percentage of complaints received from tenants: **12%**

(Remaining 4% were from stakeholders such as interest groups and MPPs)

Landlord and Tenant Board

Applications received per year: **80,000**

Backlog in 2020: **20,000**

Backlog today: **38,000+**

Complement of adjudicators:

Prior to investigation: **40** full-time, **10** part-time

January 2023: **35** full-time, **43** part-time (9 cross-appointed to other tribunals)

Steps involved in recruitment and appointment of members: **122 (Para 70)**

Time it takes to approve appointments: **3 to 5 months (Para 71)**

Service standards and average delays:

- Entering applications in system: Standard was **3 days**; reality in 2022 was **3 months (para 125)**
- Scheduling hearings for evictions and rent collection: Standard was **25 days**; reality in November 2021 was **66.5 days (Para 135)**

- Average time to schedule landlord applications: **6-9 months** as of March 2023 **(Para 138)**
- Average time to schedule tenant applications: Up to **2 years (Para 138)**
- Issuing eviction orders for non-payment: Standard was **4 days** after hearing; reality was **20 days** in 2021 **(Para 235)**
- Most other orders: Standard was **10 days**; reality was **32 days (para 235)**
- Proceedings in French: Timeframes should be equivalent to English; delays occur when French-speaking members are not available, and forms only identify applicants, not respondents who require services in French **(Paras 285-305)**

Areas identified by Ombudsman for improvement:

- Member recruitment and appointments
- Application screening
- Hearing scheduling and case triaging
- Managing adjournments
- Identification and processing of urgent cases
- Tracking of the expiration of member terms
- Order issuance
- Monitoring of outstanding orders and mediations
- Identification and processing of cases requiring French language services

Trapped in the queue: Selected stories

A couple living on disability support sought compensation from their landlord in March 2020 for water damage to their belongings. They did not get a hearing until December 2021. **(Para 36)**

A tenant who had health issues due to her landlord's harassment and unkempt property applied for a hearing in December 2020. She moved out in May 2021. Her hearing was set for January 2022, then moved to April 2022. **(Para 37)**

A landlord's urgent application in September 2020 to evict a tenant who tried to slash the throat of another tenant was heard a month later, but it took two more months for the order to be issued. **(Para 38)**

A tenant who complained of criminal harassment by her landlord in September 2020 was denied an expedited hearing. The hearing was set for November 2021, then adjourned to February 2022. **(Para 39)**

A 74-year-old landlord applied in December 2019 to evict a tenant who assaulted him and damaged property; an order wasn't issued until January 2021. **(Para 41)**

A landlord applied in December 2019 to evict a tenant for non-payment of rent. The hearing was delayed during the pandemic; an order was not issued until March 2022, by which time the unpaid rent totalled \$36,000. **(Para 43)**

A 78-year-old woman who depended on income from a rental unit to pay for a personal support worker for her 90-year-old husband applied to evict an abusive and non-paying tenant in March 2020. She became depressed and suicidal after waiting more than six months to hear from the Board. **(Para 44)**

A man purchased a home in 2018 that had an existing tenant who never paid rent. By 2022, he was living in a trailer without utilities and using homeless shelters while waiting for the Board to process his eviction application. **(Para 45)**

A landlord whose two tenants had not paid rent for several months and damaged the property was living in his car while waiting for the Board to process his applications in October 2022. **(Para 46)**

A woman who rented out the upper half of her home and lived in the basement sought to evict the tenants in December 2021 because she was dying of cancer. In March 2022, she was told to start the process over again because of an error in her application, but she died two months later. **(Para 128)**

Two tenants on disability support who are legally blind and suffered in an unsafe, vermin-infested apartment for years sought an expedited hearing in November 2020. They were denied and told they filed the wrong form. They had moved before the matter was finally heard in June 2021. **(Para 157-160)**

An ailing woman was granted an expedited hearing to evict a tenant so she could move her caregiver into her basement unit. The hearing was held within five months, but the order was not issued for another three months. **(Para 172)**

A single mother of a child with autism was denied an expedited hearing to evict tenants who refused to pay rent or allow her to inspect the property in August 2022. She was in debt, jobless and facing eviction herself. The matter was scheduled for December 2022, then further delayed because a French hearing was requested, even though the adjudicator was bilingual. **(Paras 173-175)**

A landlord whose tenants didn't pay rent and were suspected of violent and criminal activities sought an urgent hearing in October 2020. The request was granted but the matter was not heard until July 2021. **(Paras 182-184)**

A landlord asked for an expedited hearing in March 2020 to end a tenancy so he could use the property himself to recover from surgery in October 2022. His request was granted in July 2022, but the hearing didn't happen until December 2022, two months after his surgery. **(Paras 185-186)**

A landlord applied in September 2020 to evict a tenant for damaging property and not paying \$11,000 in rent. She couldn't access the online hearing in February 2021 and couldn't reach the Board. By the time the matter was reheard in July 2021, the unpaid rent had more than doubled. **(Para 219)**

A woman waited 10 months for an online hearing in October 2022, but she had trouble logging in and the matter was dismissed. It still has not been rescheduled. **(Para 220)**

A landlord whose tenants were threatening her sought an expedited eviction order in August 2021. The hearing was held in November 2021, but the Board lost track of the file and called it "closed." The order was not issued until June 2022. **(Para 230)**

A landlord who applied in June 2019 to end a tenancy so his daughter could use the rental unit was told in February 2020 that the matter would have to start over because the assigned member had left the Board. The hearing did not happen until February 2021. **(Para 266)**

A tenant applied for a rent reduction in October 2019. The hearing was delayed until October 2021 due to the pandemic, but wasn't heard until January 2022 because the original adjudicator resigned. **(Para 268)**

A landlord's February 2021 application to evict a tenant for non-payment of rent was twice delayed because the assigned members left the Board. By August 2022, he was owed more than \$19,000; as of January 2023, he was still awaiting an order. **(Para 269)**

A landlord was granted an expedited hearing in March 2021 to end a tenancy for illegal acts, but the member left the board without issuing an order; the matter was not reheard until October 2021, after the tenant had moved. **(Para 272)**

A tenant and landlord had their applications heard together; the adjudicator issued an order in the landlord's matter in November 2021, but not the tenant's. She learned in April 2022 that the member had left the board and a new hearing was set for November 2022. **(Para 273)**

A newlywed couple hoped to move into a home they purchased from the husband's grandparents. They applied to evict the existing tenants in June 2021 and had a hearing in November 2021, but heard nothing from the Board until June 2022, when they learned the member had left the Board and a new hearing had to be scheduled. **(Para 274)**