



CLEO

Community Legal Education Ontario
Éducation juridique communautaire Ontario

Navigating Virtual LTB Hearings

Presentation and Q+A

Speaker:

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Staff lawyer at Kinna-aweya Legal Clinic

April 28th, 2022

12-12:45pm



What you can expect today

Lunch and Learn Series, Part 1

45 minutes in total (presentation and Q+A)

This is legal information, not legal advice.

The information is current as of today's date April 28, 2022

Recording and slides will be sent out afterward.

Subtitles (closed captioning) has been enabled.



Land Acknowledgement

CLEO's work takes place across the home and traditional territory of the Mississaugas of the Credit, the Haudenosaunee, and the Wyandot peoples, on land that many of us know as Ontario. We encourage you to take the time to understand more about the land *you* live and work on.

As we provide legal information today, we acknowledge the ongoing impact of colonization and anti-Indigenous racism, built into our laws and legal systems, resulting in devastating pain and inequality for Indigenous Peoples of every generation.

We also recognize the incredible amount of work that Indigenous Peoples contributed to the Calls to Action in the Truth and Reconciliation Commission report calling for Equity for Indigenous Peoples in the Legal System.

Agenda

1. Brief overview of what the Landlord and Tenant Board covers
2. How things worked before the pandemic
3. How things worked at the Landlord and Tenant Board up until December 2021
4. 'Digital First' Approach
5. The Landlord and Tenant Board Portal
6. Zoom Hearings
7. The Digital Divide

The Landlord and Tenant Board – A Brief Overview



Jurisdiction of the Landlord and Tenant Board

- Governs relationships between residential landlords and tenants and applies the *Residential Tenancies Act*
- Certain kinds of tenancies are excluded, e.g. sharing a kitchen and bathroom with landlord, short-term accommodation provided as emergency shelter, living accommodation intended to be provided to the travelling or vacationing public
- *Residential Tenancies Act* sets out application process for landlord and tenants, authority of Landlord and Tenant Board to order various remedies and assist in resolution of disputes between parties

**** The RTA is very complex, this is a very brief overview, please seek legal advice if you have specific questions about a particular situation*

Some Common Landlord Applications

- Primarily eviction applications
- Some applications are based on tenant's behaviour, e.g. unpaid rent, persistent late payment of rent, engaging in an illegal act, serious impairment of safety, substantially interfering with reasonable enjoyment of other tenants or lawful rights of the landlord
- Some are "no fault" applications, e.g. landlord or purchaser's own use, demolition or repairs that require vacant unit
- Landlord serves eviction notice setting out the reasons they want to terminate the tenancy. If tenant does not move out, then landlord can apply to the Landlord and Tenant Board. A hearing is scheduled. Only Landlord and Tenant Board has the authority to order the termination of a tenancy.

Some Tenant Common Applications

The most common tenant applications are:

- T2 Application about Tenants' Rights
- T6 Application about Maintenance and Repairs

Tenants can also apply to the Landlord and Tenant Board if their landlord has collected an illegal charge from them or if they have moved out because of an eviction notice served in bad faith.

When a tenant applies to the Landlord and Tenant Board, the Board will schedule a hearing and the parties will have the opportunity to provide evidence and present each side of the case. The Board can order many different remedies in Tenant applications.

THE GOOD OLD DAYS (?)



Before 2020:

- Filing documents in person, by fax, or by mail
- Receiving hearing notices and other documents by mail
- Mostly in-person hearings, some telephone hearings
- Bringing copies of evidence to the hearing to provide to the Board and to the opposing party
- Mediation services available at the hearing
- Tenant Duty Counsel available at the hearing
- Regional adjudicators and regional LTB offices

March 2020 to December 2021



A period of Transition

- Short-term moratorium on evictions
- Suspension of in-person hearings
- Applications via email, fax, mail
- Hearing notices by mail
- Shift to online hearings, hastened by Covid-19 pandemic
- Zoom hearings with option for telephone dial in
- Duty Counsel and mediation services available via Zoom
- Technological barriers to full participation in hearing process

Digital First



What the Government is saying:

“In March 2020, Tribunals Ontario accelerated its digital first strategy in response to the pandemic. Parties are benefitting from the convenience of hearings by video and phone, communication by email, online fee payment, electronic filing of applications and online forms.” ~ Tribunals Ontario

“The Ontario government has announced a new multi-year plan to speed up access to the justice system. Justice Accelerated is a groundbreaking strategy that will build a more accessible, responsive and resilient justice system. The strategy includes a new investment of \$28.5 million for a digital case management system to help reduce delays and backlogs at tribunals.” ~ Ontario Ministry of the Attorney General (news.ontario.ca)

What others are saying:

"Tenants have been evicted because their phone line wasn't working or they didn't have enough minutes to wait for three hours before the hearing was about to begin. Or they don't have access to a permanent computer or they don't have access to a reliable and fast internet connection."

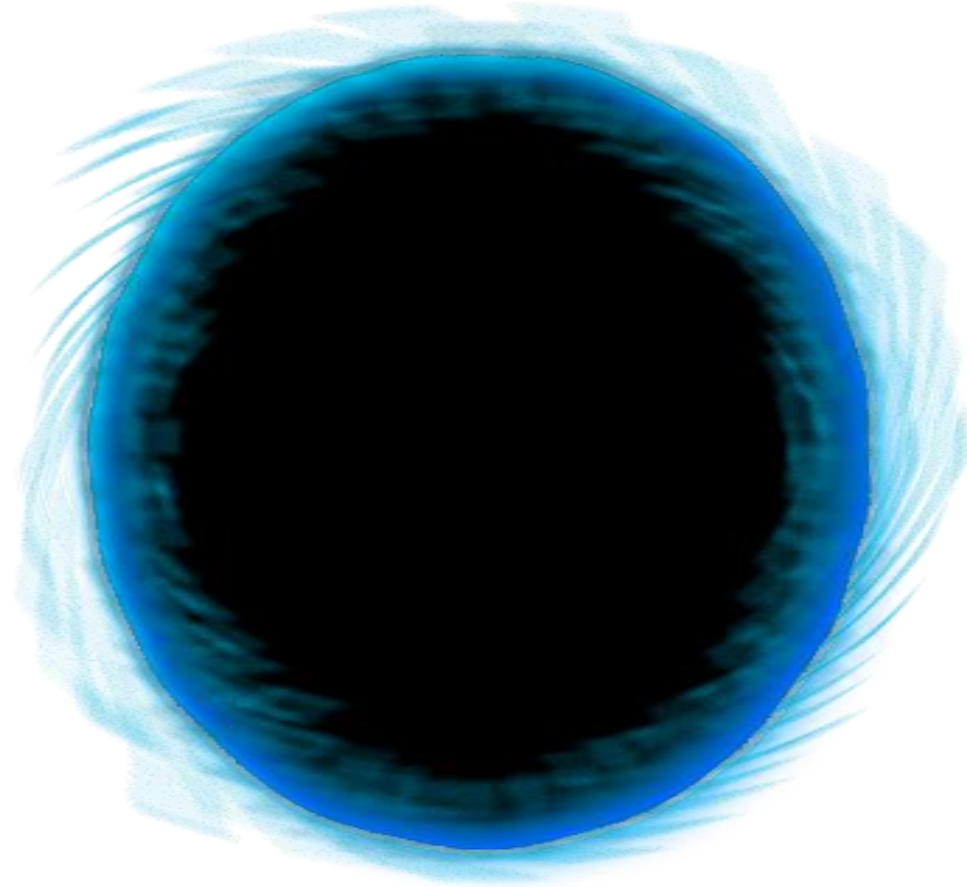
~ Jessica Bell, NDP Housing Critic

"In the in-person format, people would just go into the hearing room and they would see the adjudicator there. They would know that the mediators are available if parties had disagreements or could come to a resolution on their issue," said Kwan. "It's just simply not available, or at least readily apparent, for those who are accessing the digital format."

~ Douglas Kwan, Director, Advocacy Centre for Tenants Ontario

QUESTIONS

Landlord and Tenant Board Portal



What is the portal all about?

“The Tribunals Ontario Portal will make it easier and faster for people to file applications, access mediation, view their case file and upload and exchange documents with other parties. This new system will modernize our operations and support our efforts to improve access to justice for all those who come before our tribunals.”

~ Sean Weir, Executive Chair of Tribunals Ontario.

What can you do on the portal

Among the features that will be available, landlords and tenants can:

- Submit L1, L2, T2 and T6 LTB applications with simple and easy to use online forms
- Pay application fees on the portal
- Upload evidence directly to the portal
- View and exchange documents with other parties
- View their file and status of their L1, L2, T2 and T6 application(s) online
- Receive decisions electronically
- Use the dispute resolution tool to communicate with other parties or ask for assistance from a LTB Dispute Resolution Officer to help reach an agreement

How else can I file an application?

1. ServiceOntario Centres are limiting the intake of Landlord and Tenant Board applications to the following circumstances:
 - the application represents an emergency situation
 - the applicant has no access to a computer
 - the applicant's only option for payment is by cash, certified cheque, or money order
 - other limitations to applicant's alternate filing options.
2. Can file by mail but expect processing delays
3. Can file by email and pay online

Other changes:

- Fax machine eliminated in December 2021
- New file numbers
- Can no longer check file status on LTB website

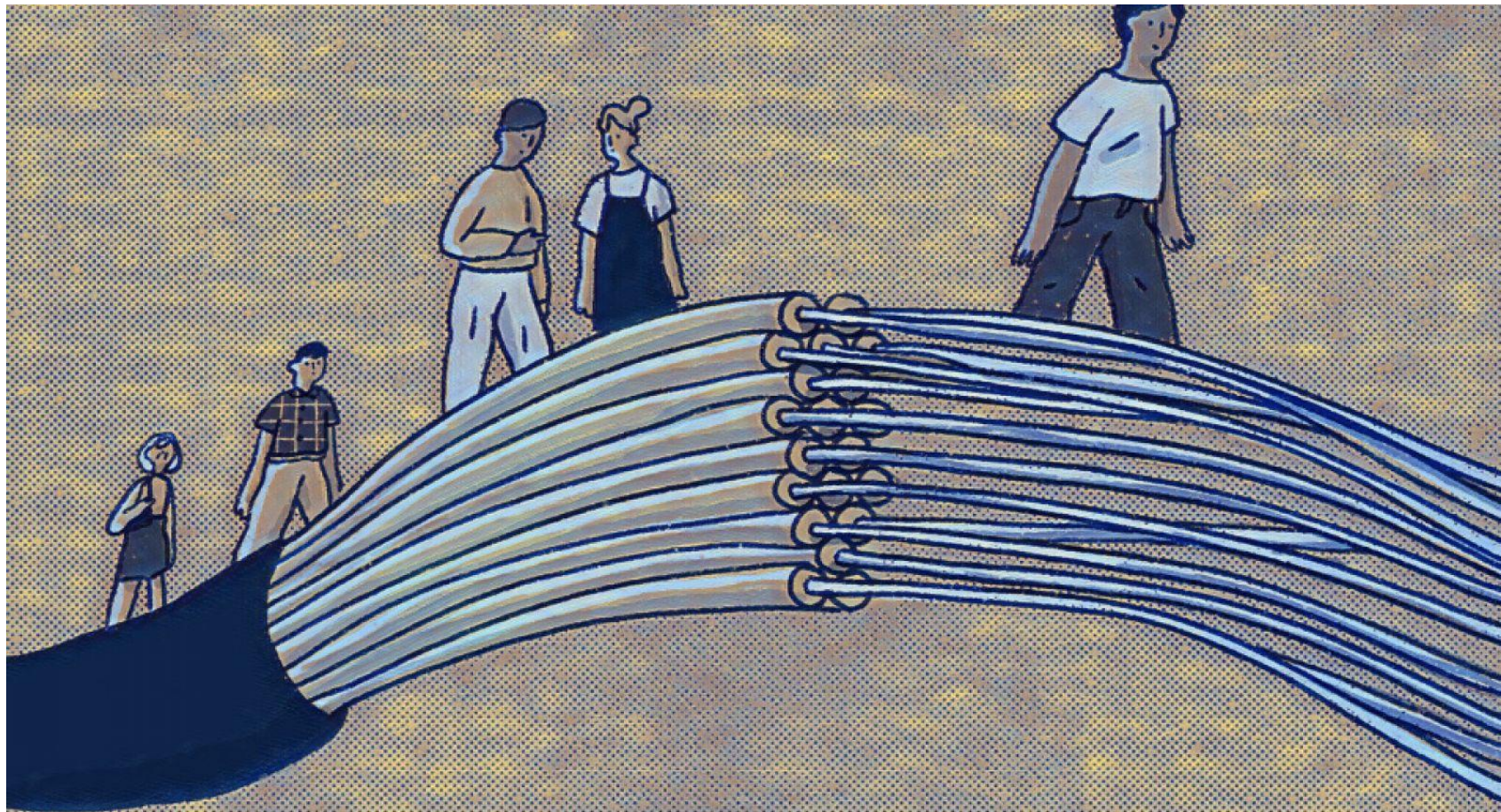
Zoom Hearings



What to expect:

- All hearings are now conducted via Zoom, can call in by telephone
- Moderator signs parties in, asks about mediation and TDC
- TDC is generally available at most hearings
- Mediation is generally available at most hearings
- Adjudicators are in a separate room
- All evidence must be submitted to the opposing party and to the LTB in advance, either by email or via the portal
- Consider special circumstances such as language interpretation, disability accommodation
- You might get disconnected or experience technical difficulties

The Digital Divide



How to help tenants participate in the digital hearing process:

- Access to internet in a private, quiet space
- Access to a telephone in a private, quiet space
- Tribunals Ontario kiosks (Hamilton, London, Toronto, Ottawa)
- Request accommodation for filing documents, applications
- Request accommodation for participating in hearing
- Provide tech support if possible
- Refer to community legal clinic
- File a complaint with LTB if something goes wrong



Resources and supports:

Steps to Justice

[Hearings at the LTB](#)

[Tenant Applications to the LTB](#)

Advocacy Centre for Tenants Ontario (ACTO)

[What to expect from a phone or videoconference hearing](#)

Tenant Tips for your digital LTB hearing: [Part 1](#) and [Part 2](#)

Landlord and Tenant Board

[Participating in a Zoom Video Hearing at the LTB](#)

[VIDEOS: The LTB application and hearing processes.](#)

[Guide to Videoconferencing Proceedings](#)

[What you need to know about LTB Telephone Hearings](#)

[Practice Direction on Evidence](#)



Resources and supports:

Tribunals Ontario Portal

[Help Page](#) / Tribunal Ontario Portal [Home Page](#)

Community Advocacy and Legal Centre (CALC)

[How to Print Text Messages](#) – key for getting evidence together!

Find your Community Legal Clinic

<https://www.legalaid.on.ca/legal-clinics/>



Calls to action: Truth and Reconciliation

- [Truth and Reconciliation Commission of Canada: Calls to Action](#)
- [Settlers Take Action](#)

Education

- [Indigenous Canada - Free Course](#)

Whose Land?

Learn about where you are situated, information for land acknowledgements and learn about the treaties and agreements signed across Canada (Turtle Island).

- [Whose Land?](#)