

For Immediate Release

## **The Landlord and Tenant Board is escalating its institutional hostility against Tenants with new Administrative Closure Practice**

Toronto, ON - November 26, 2021 - After months of delaying tenant matters, this week the Landlord and Tenant Board (LTB) unexpectedly instituted a new practice in an attempt to purge tenant applications before they have the chance to be heard at the Board.

The Advocacy Centre for Tenants Ontario (ACTO) has learned that the Board has sent tenants email notices advising them that their applications will finally be scheduled in early 2022. However, they are asking tenants to respond by December 7th, 2021 (via email) to confirm they would still like to proceed with their application. Tenants who fail to do so may have their application “administratively closed.”

Tenants have been waiting months, and even years, for their tenant rights application to be heard by the Board. A message from the Board that ends up in the wrong folder or address could result in a tenant’s matter being dismissed without a hearing. These applications deal with serious health and safety issues, harassment and privacy violations, or illegal lockouts. The Board is not, however, asking landlords if they still wish to proceed with their applications.

### **This is an unprecedented practice that is harmful to tenants amidst delays**

The ongoing delays for tenant applications, and this alarming new practice of administrative case closure, raises concerns about access to justice for tenants. It also undermines the integrity of the *Residential Tenancies Act, 2006* (RTA), whereby both landlords and tenants are bound by a set of rights, rules, and responsibilities. The Board should treat both landlord and tenant matters with the same degree of urgency. In practice, however, landlord matters are routinely scheduled for hearings much faster than tenant applications.

“This is part of an increasing escalation of hostility against tenants in Ontario since the pandemic began,” notes Ryan Hardy, Staff Lawyer at ACTO. “Landlords are not experiencing the same lengthy delays as tenants and have not, as far as we know, received notices that their applications may be administratively closed after months of delay.”

Tenants also face challenges to raise their issues and make a full defence at landlord’s eviction hearings for arrears – despite it being a right afforded to them under the Act. After Bill 184 passed in August 2020, amended section 82 in the RTA provides tenants the right to raise tenant issues at their eviction hearing for rental arrears. Since then, the Board has chosen to interpret the new requirement so restrictively so as to deny tenants engaging this right. Tenants are instead told to file a separate tenant application, which is an onerous process that may take months to be heard. If they have been evicted in the meantime, this is a process a tenant is unlikely to pursue.

“When you consider how arrears hearings proceed at the Board and the Board’s refusal to allow tenants to make section 82 arguments, the result is that tenants can be evicted without being able to provide a proper defence,” says Dania Majid, Provincial Director, Tenant Duty Counsel Program at ACTO. “And once that tenant is evicted, they are very unlikely to bring a subsequent tenant rights application to the Board. It leads us to believe the Board is counting on the majority of tenants giving up on their pursuit of justice to speed up cases going through the queue.”

**The LTB should immediately cease this new practice**

ACTO is calling on the Board to immediately cancel this new practice and void the “administrative closures”. This new process is unfair, arbitrary, unprecedented, and harmful to tenants.

The Board should also change how they are scheduling these tenant applications. Tenant rights applications should be treated with the same urgency as eviction applications and should be given proper time to be heard. The Board must also re-commit to taking s.82 claims seriously and hearing these matters when raised by tenants.

“At the end of the day,” continues Majid, “tenants across the province should also have their rights upheld and protected with the urgency and gravity that is already extended to landlords.”

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#### **About Advocacy Centre for Tenants Ontario**

The Advocacy Centre for Tenants Ontario (ACTO) is a specialty community legal clinic with a province-wide mandate to advance and protect the interests of tenants living on lower incomes. ACTO specializes in housing issues related to tenants. The clinic also coordinates the Tenant Duty Counsel Program (TDCP) across Ontario, which provides legal information and assistance to self-represented tenants appearing at the Landlord and Tenant Board.

#### **For more information, including interviews with ACTO representatives, please contact:**

Genrys Goodchild  
Communications and Public Affairs Specialist, (ACTO)  
[goodchg@lao.on.ca](mailto:goodchg@lao.on.ca)  
416.597.5855 ext. 5170