



THE DISTRICT OF THUNDER BAY  
SOCIAL SERVICES ADMINISTRATION BOARD

# Landlord Tenant Board Hearing Timelines

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## POSITION PAPER

### **August 2024**

Association of Municipalities of Ontario Conference

Prepared by:

The District of Thunder Bay Social Services Administration Board

Prepared for:

Hon. Doug Downey, Attorney General of Ontario

Hon. Paul Calandra, Minister of Municipal Affairs and Housing

# Brief

The District of Thunder Bay Social Services Administration Board (TBDSSAB) calls on the Attorney General of Ontario to work with the Minister of Municipal Affairs and Housing to address the Landlord and Tenant Board's (LTB) long hearing wait times by fast-tracking priority applications from Community Housing providers related to high-risk issues (i.e., crime, behaviour, damages), as these typically have already undergone extensive mediation efforts prior to a hearing date request.

## Summary

The TBDSSAB recognizes that Community Housing is essential for the well-being of low-income individuals and families who access these services across Ontario. Given this, TBDSSAB staff prioritize successful tenancies and eviction prevention by adhering to the parameters set out in our robust eviction prevention policy. However, interventions aimed at maintaining an existing tenancy are not always successful. While eviction is a last resort for the TBDSSAB, there are situations that arise where eviction is necessary to protect the safety of other tenants, to avoid further damage to properties, and to avoid stigmatizing Community Housing as a place that is unsafe or undesirable. In these circumstances, the extended wait times to secure LTB hearings are highly detrimental as they increase the duration and effects of these high-risk situations. Therefore, introducing a priority system where applications from Community Housing providers with high-risk issues are expedited and addressed separately from other applications would more quickly address time-sensitive, high-risk tenancy issues impacting tenants and Community Housing providers.

# Background

In January 2023, TBDSSAB provided LTB wait time details at the Rural Ontario Municipalities Association (ROMA) Conference to the Hon. Doug Downey, Attorney General of Ontario and the Hon. Steve Clark, Minister of Municipal Affairs and Housing. At that time, TBDSSAB had 64 hearings waiting for adjudication at the LTB.

Attempting to address these issues, in May 2023, the LTB announced an increase in adjudicators from 53 to 128. We acknowledge the Attorney General's important action to increase the capacity of the LTB. However, these additional resources have only reduced hearing timeframes to an average of 4 months; prior to 2020 the average wait for a hearing was 1.7 months.

Another factor adding to the wait times pressures is the quantity and severity of the active high-risk cases. Since the addition of adjudicators, TBDSSAB currently has 90 active high risk cases pending LTB hearings, an increase of 40% from January 2023. Of these cases,

- 38 are N4's (L1's) for unpaid rent;
- 30 are N5's (L2's) for interfering with others, damages, or overcrowding; and
- 22 are for N6 or N7 (L2's) for illegal acts or causing serious problems within a rental unit.

Meanwhile, the LTB continues to experience a substantial hearing request backlog with wait times to receive a hearing date averaging four months. These wait times prolong and exacerbate safety issues for other tenants while compounding lost rent revenue in the intervening months where a tenant has stopped paying. In the past year, the TBDSSAB estimates these amounts to be more than \$175,571. In addition to lost rent revenue, TBDSSAB has incurred paralegal fees related to LTB hearings and is incurring unit damage and security costs due to criminal activity at its housing properties. This lost revenue and cost becomes an additional burden on the municipal levy.

To address time-sensitive and high-risk tenancy issues impacting Community Housing Providers, we recommend the introduction of a priority system whereby applications from Community Housing providers with high-risk issues are expedited and addressed separately from other applications. This would mitigate the negative

impacts of these situations on other tenants and properties, while decreasing lost revenue due to unpaid rent.

Additionally, in January 2023, TBDSSAB brought forward the concern that all cases are still heard electronically, often resulting in multiple hearings being booked on the same day for the same landlord. Further to the ensuing issue, the current booking system does not cross-reference landlords' pre-existing hearing appointments, consequently booking two hearings on the same date and time. When the hearings were in-person, the adjudicator would call one at a time, so the overlap was not an issue. We recommend that the resulting issue of using the electronic approach be addressed and streamlined through a priority system for Community Housing providers. For instance, hearings could be grouped, and conflicts avoided.

Another effect of the substantial LTB time delays is that other tenants in the affected building are negatively impacted for a longer period by the actions and activities of high-risk individuals who would otherwise be evicted. This detrimentally reduces the quality of life for many tenants and visitors in the affected properties, worsens relationships between frustrated tenants and TBDSSAB staff, and stigmatizes Community Housing as a less desirable housing option.

To mitigate the negative impact on tenants, prioritizing high-risk hearings by fast-tracking high-risk applications from Community Housing providers would significantly alleviate these issues.

Therefore, TBDSSAB requests that the Attorney General of Ontario, work with the Minister of Municipal Affairs and Housing, to address the negative impacts of the Landlord and Tenant Board's long hearing wait times by fast-tracking priority applications from Community Housing providers related to high-risk issues.