



THE DISTRICT OF THUNDER BAY
SOCIAL SERVICES ADMINISTRATION BOARD

Addressing Challenges Faced by Community Housing Providers in LTB Application Processes

POSITION PAPER

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The District of Thunder Bay Social Services Administration Board

Prepared for:

Hon. Doug Downey, Attorney General of Ontario

Hon. Rob Flack, 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 (MMAH) to address challenges related to long delays experienced in the Landlord and Tenant Board's (LTB) application process, which continues to have substantial impacts on our ability to follow our mandate of providing safe and affordable community housing.

Summary

TBDSSAB owns and operates 2,473 community housing units and is responsible for the funding and administration of approximately 3,862 community housing units throughout the District of Thunder Bay. There are also approximately 609 housing units made available by private landlords under the Rent Supplement Program. We recognize that Community Housing is essential for the well-being of low-income individuals and families who access these homes across Ontario.

As such, TBDSSAB staff prioritize successful tenancies and eviction prevention by adhering to the parameters set out in our robust eviction prevention policy. However, these interventions are not always successful. While evictions are a last resort for us; unfortunately, situations arise where eviction is necessary for many reasons including preventing further damage to the property and protecting other tenants' safety. In these situations, we experience issues related to the timeliness of the Landlord and Tenant Board (LTB) process, namely the application screening process and engaging adjudicators during hearings. These delays result in not only increasing the continuation and effects of these high-risk situations, but also financial losses associated with lost rent revenue and the renovation of damaged units.

Therefore, we request that the Attorney General of Ontario and MMAH work together to offer more robust training programs for adjudicators that includes legal trainings on community housing matters, for example. These training programs would allow us to deal with matters more expediently and come to quality decisions when appropriate.

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 Ministry of Municipal Affairs and Housing (MMAH). 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 from date of application¹. In addition, TBDSSAB has faced challenges related to the timeliness of the LTB process that has resulted in substantial impacts on our ability to follow our mandate of providing safe, affordable housing.

Currently, TBDSSAB has 63 applications waiting to be heard at the LTB level. These applications amount to approximately \$300,000² in expenses and lost revenue for TBDSSAB. In 2024, damages to the unit resulted in TBDSSAB proceeding with four insurance claims, with a deductible of \$50,000 per claim, two of these claims were a resultant effect of delays to hearings experienced at the LTB level. Based on our recent experience, factors contributing to these challenges include issues engaging adjudicators and the application process, from screening to scheduling a hearing.

The challenges we face in the application process are two-fold. Upon submission of the applications, we find that the screening process is limited. This often results in applicants waiting months for a hearing only to discover that the process can not progress unless the issue with their application is resolved. A recent example happened in August 2024 where we served two notices to a tenant. In October, we received a notice, with the hearing date set for March 2025. At the hearing, it was determined that there was an issue with the notice – a missing certificate – that resulted in the application being dismissed. It is worth noting that discretion could have been applied by allowing the missing document to be uploaded at the time, however, it was determined that the application process be restarted. Restarting the

¹ Prior to 2020, the average wait for a hearing was 1.7 months.

² Of that amount, \$150,000 is linked to rent revenue and an additional \$145,000 related to restoring damaged units.

process has resulted in more administrative effort being made on resubmitting the application³.

In addition, there are inconsistencies with scheduling hearings⁴. Consequently, some hearings – for different matters – are scheduled on the same day, and in different hearing rooms. This results in time spent logging in and out of different rooms with the hope that we are logged into the right room at the time of our hearing.

Recommended solutions to this issue entail streamlining the booking system and looking into offering in-person hearings with consistent adjudicators assigned to geographic areas.

The second factor lies in the engagement process with adjudicators. As acknowledged in earlier paragraphs, there has been an increase in personnel since 2023. While this increase is welcome, we find that some of the adjudicators are not legally trained. Given the nature of funding for Community Housing, service managers manage the properties differently from private landlords. For instance, Community Housing Providers offer supports not often found when dealing with their private counterparts. As such, in situations where we engaged adjudicators with very limited legal background and training on community housing matters, it resulted in longer deliberation times. And once decisions are made, they are often inconsistent with the law⁵.

In addition to the financial implications, the delay also results in a degradation of our relationships with tenants and the community. For our tenants, the perceived lack of action results in a breakdown of relationship as they relate it to negligence on our part. For the community, it impacts the way community housing and its residences are viewed, which is often in a very negative light.

³ These issues – inconsistent practices and longer wait times - often culminate into more working hours for the administrative team, who file multiple applications in situations where just one application would suffice. Aside from the financial consequences mentioned earlier, we also absorb costly sums for the LTBs filings – in our 2025 budget, we allocated \$30,000 to cover filing and sheriffs' fees.

⁴ While opportunities to choose an available time is limited to L1 applications, they are inconsistent and sporadic.

⁵ The effect is that the longer wait time exacerbates delays to submitted applications. Responses to incorrect decisions include submitting review requests and/or new applications being filed.

Recommendations

To address the root causes of these resultant outcomes, we recommend that improvements are made to the application process. Suggested improvements could include offering in-person hearings and appropriately triaging to provide spots for hearing matters that are fully prepared to be adjudicated.

On the issue of the lack of legal training and limited understanding of community housing matters for some personnel, we recommend substantial training focused on community housing – for instance, providing robust training on Section 83 considerations of the Residential Tenancies Act. One supplementary approach, assigning adjudicators through geographic regions⁶.

Having specially trained adjudicators assigned to focus solely on community housing hearings would pose near and long-term benefits. These benefits include a better understanding of the system that would result in better decisions being made at hearings. Another benefit would be that by grouping community housing hearings under selected adjudicators, it would streamline hearings and result in faster decisions being made.

We believe these suggestions would make the LTB more accessible and allow service managers to deal with matters more expediently and come to more quality agreements when appropriate.

A more long-term suggestion that TBDSSAB proposes is the exemption of Community Housing Providers from the LTB process. The rationale behind this proposal is that Community Housing is typically seen as ‘housing of last resort’. Because Community Housing is publicly funded, service managers are governed by the Housing Services Act (HSA) and held to expectations of higher standards of operation than private landlords. In addition, Community Housing Providers offer supports not often found with private rental agreements. These supports include eviction prevention policies, tenant support workers, and rental support programs to address arrears among other supports.

⁶ For instance, assigning adjudicators receiving cases situated in the Northwest Ontario. Given the unique nature of that region, having adjudicators who are trained on Northwestern issues would be better positioned to making sound decisions.

While we are aware that introducing this level of change would require a lengthy deliberation that would include a legislative change to the HSA, we request that this suggestion be taken under the Attorney General of Ontario and Minister's consideration of the recommended changes we have put forward.

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 making improvements to the application process, providing adjudicators, without legal background, robust legal training on community housing matters and assigning consistent adjudicators by geographic areas. We believe that these recommendations would result in mitigating delays currently experienced with hearings at the LTB level.