



## Official Opposition • L'opposition officielle

Ontario NDP Caucus • Groupe parlementaire du NPD de l'Ontario

The Honourable Doug Downey  
Ministry of the Attorney General  
11th Floor  
720 Bay St.  
Toronto, ON  
M7A 2S9

April 23, 2021

RE: Is the Ford Government planning to move the Landlord and Tenant Board permanently online post-pandemic?

Dear Hon. Doug Downey,

We are writing to ask if the Landlord Tenant Board (LTB) is returning to in-person hearings, and when.

It was brought to our attention that during a recent LTB hearing, an adjudicator revealed that under the LTB's Digital First Strategy, in-person hearings would no longer be conducted, even after the pandemic ends. This statement was heard by several observers.

Since the LTB moved to virtual hearings, there have been growing reports from tenants and legal clinics across Ontario of systematic procedural unfairness, adversely affecting people with disabilities, language barriers due to ethnicity, a lack of access to technology, and more. These concerns go to the very heart of the LTB's legal responsibilities to the public which is access to justice for the province's most poor and marginalized tenants, and the broader, moral imperative that housing is a human right. Should the LTB continue to conduct virtual hearings in perpetuity, our concern is tenants will continue to face unfair evictions, be forced into payment plans they do not understand, and/or be unable to present evidence in their defense.

Some of these injustices have been brought to light by tenants recording LTB proceedings and sharing them on social media. Instead of solving the obvious violations of due process in the LTB, the Government has decided to suppress instances of procedural unfairness through legislation (Schedule 6, Bill 276) banning and issuing fines of up to \$25,000 dollars on those who record and disseminate recordings. Squashing the evidence is not the solution.

The LTB must commit to operating in a manner that is compliant with its obligations – arising from the Residential Tenancies Act, 2006 (RTA), Canadian Charter of Rights and Freedoms (Charter), French Language Services Act, Human Rights Code, Statutory Powers Procedure Act (SPPA) and the common law duty of procedural fairness.

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We are calling on you to clarify your government's plan to ensure the LTB upholds these basic rights and obligations, as well as whether and when the LTB will move back to in-person hearings.

We look forward to hearing from you and welcome a meeting at your convenience.

Yours sincerely,

Jessica Bell  
MPP, University–Rosedale  
Official Opposition Critic, Housing, Tenant Rights, and Urban Planning

Suze Morrison, MPP Toronto Centre

Peter Tabuns, MPP Toronto—Danforth

Marit Stiles, MPP Davenport

Bhutila Karpoche, MPP Parkdale—High Park

Jill Andrew, MPP Toronto—St. Paul's

Rima Berns-McGown, MPP Beaches—East York

Chris Glover, MPP Spadina—Fort York

Doly Begum, MPP Scarborough Southwest

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Tom Rakocevic, MPP Humber River—Black Creek

Faisal Hassan, MPP York South—Weston

Percy Hatfield, MPP Windsor—Tecumseh

Laura Mae Lindo, MPP Kitchener—Centre

Terence Kernaghan, MPP London North

Lisa Gretzky, MPP Windsor West

Taras Natyshak, MPP Essex

Jennie Stevens, MPP St. Catharines