

Administrative Justice Delayed, Fairness Denied – Ombudsman's opening remarks, May 4, 2023

Good morning, and welcome to everyone here today at Queen's Park, and all who are joining us online.

First, I think it is important to acknowledge that this land is the traditional territory of many nations, including the Mississaugas of the Credit, the Anishnabeg, the Chippewa, the Haudenosaunee and the Wendat peoples. It is now home to many diverse First Nations, Inuit and Métis peoples, and my colleagues and I are grateful to live and work on this land.

I am here today to report on my Office's investigation of severe delays and backlogs at the Landlord and Tenant Board. This was a lengthy, complex and challenging investigation that uncovered multiple systemic problems, which were only exacerbated by the pandemic.

The purpose of administrative tribunals like the Landlord and Tenant Board is to provide the public with a swift, accessible way to resolve disputes instead of going to court. We found it was anything but.

Even before the pandemic, the Board was failing to meet its own service standards. After March 2020, its already shaky foundation toppled as it struggled to shift to virtual hearings and cope with the moratorium on evictions.

The result was not just a litany of bureaucratic failures like adjudicator shortages, scheduling nightmares and dysfunctional technology. What was most disturbing was how these delays affected real people on both sides of the landlord-tenant relationship.

We heard from more than 4,000 people in the course of this investigation. Their stories were extremely compelling. There were tenants on social assistance, living with harassment or deplorable, unsafe conditions for months or even years on end. There were property owners who faced financial ruin while they waited for hearings about tenants who were abusive, caused damage or refused to pay rent.

Many were trapped in the Board's seemingly endless queue, no matter how urgent their situations. Some were sent to the back of the line because of errors in their applications. Others were left in limbo because their adjudicator had too many cases, or just left the Board.

They were not only denied the swift administrative justice to which they are entitled, they were denied simple fairness.

I want to thank these people for coming forward and letting us tell their stories. They remind us all that administrative backlogs affect real people, who deserve public services that help them, not hurt them.

We helped many of these people resolve their individual issues, but their stories also helped us identify numerous solutions to help the Board return to its proper function. This is an important function of my Office: We do not just report on problems; we recommend workable solutions, based on the evidence we find and our expertise in government systems.

We also identified several issues affecting the timeliness of Board hearings, orders and decisions in French. Our French Language Services Unit was able to help resolve many of these cases, and the Board has since added more bilingual staff. However, there are still sometimes needless delays because bilingual adjudicators are not available.

I have made 61 recommendations to ensure the Board has a solid complement of adjudicators, including bilingual ones, and a case management system that can triage urgent cases – among many other improvements.

The Ministry of the Attorney General and Tribunals Ontario, on behalf of the Board, have accepted my recommendations and made a commitment to report back to me on their progress in implementing them.

I want to stress that this system badly needs an overhaul so it can do what it is meant to do: Help landlords and tenants resolve disputes quickly and fairly.

The government has already announced it is investing \$6.5 million to appoint 40 more adjudicators, as well as more staff at the Board. This is welcome news, and I urge it to act quickly. As we document in this report, it takes significant time to recruit, appoint and train Board members, and this positive initiative should not be hampered by further delays.

As this report demonstrates, the Board, Tribunals Ontario, the Ministry and the government of Ontario must all work together to restore administrative justice to landlords and tenants across the province. I am hopeful that if they implement these recommendations, Ontario landlords and tenants will finally get the service and fairness from the Board that they deserve.

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