



Suze Morrison

MPP, Toronto Centre

November 26, 2020

Dear Chief Commissioner Chadha,

There are growing, disturbing reports of systematic procedural unfairness during virtual hearings before the Landlord and Tenant Board, adversely affecting in particular people with disabilities, language barriers due to ethnicity, or a lack of access to technology, including among people receiving public assistance.

Tenants belonging to protected groups are facing accelerated evictions, with virtual hearings that are sometimes as short as 60 seconds. This is occurring during a pandemic, at a time when public health and safety depend on people being able to remain at home.

On October 13, 2020, 46 community-based legal clinics endorsed a report laying out evidence of this systematic unfairness and denial of access to justice before the Board. From the report's Executive Summary:

Legal clinics across Ontario are alarmed by multiple aspects of Landlord and Tenant Board ("LTB") operations during COVID-19 and the impact on access to justice. Informed by our unique perspective of serving some of the most marginalized tenants in the province, we propose a number of practical, urgent reforms that would allow low-income tenants to participate meaningfully in LTB proceedings, both in the immediate context of the COVID-19 pandemic and beyond.

Clinics understand that the LTB must continue operations in a way that is reflective of our current context. However, this cannot be done at the expense of meaningful access to justice. The LTB must commit to operating in a manner that is compliant with its obligations – arising from, inter alia, 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.

The concerns being raised go to the very heart of the LTB's legal responsibilities to the public; access to justice for the province's most poor and marginalized tenants; and the broader, moral imperative of ensuring people are not left homeless during a deadly global pandemic.

I am seeking your opinion on whether the current operations of the Landlord and Tenant Board are consistent with the Ontario Human Rights Code and the Canadian Charter of Rights. I am also asking for your recommendations on how to remedy any contraventions of the Code or the Charter, including whether Board hearings should be postponed for tenants who are unable to participate fully in virtual hearings during the COVID-19 pandemic.

I look forward to hearing back from you.

Sincerely,

A handwritten signature in black ink, appearing to read "Suze Morrison".

Suze Morrison

MPP, Toronto-Centre

Official Opposition Critic for Tenant Rights, Missing and Murdered Indigenous Women and Girls Response, and Urban Indigenous Issues