



Tip Sheet For Tenants

YOUR HEARING AT THE LANDLORD & TENANT BOARD

Prepared by the Tenant Duty Counsel Program & Funded by Legal Aid Ontario

This publication contains information to help the general public. It is not legal advice about your situation. You should talk to a lawyer or legal worker for advice on your particular situation.

The Landlord and Tenant Board (the “Board”) is a place where landlords and tenants can go to settle their disputes. One of the ways that the dispute can be settled is by having a hearing. A hearing is an opportunity for you and your landlord to state your case before a person who is qualified to make a decision. This person is called a Board Member. The Board Member controls the hearing process.

BEFORE THE HEARING: WHAT SHOULD I DO?

1. Be **prepared**. Bring all the evidence that you will need to convince the Board Member to believe your side of the story. That evidence can include rent receipts, pictures, and witnesses (such as friends), expert witnesses (such as an inspector), videos and so on. Also, if English is not your first language, it is up to you to bring someone to the Board that can translate for you. If you speak French, you can arrange for the Board to provide a translator or you can ask for your hearing to be in French. You must arrange for this ahead of time.
2. Some basic points to keep in mind about **evidence**:
 - Bring three (3) copies of all documents you plan to use.
 - Keep the evidence focused on the subject-matter of the hearing. For example, if the landlord claims that you have not paid rent for the month of February 2006, and you disagree, bring your rent receipt or other proof of payment for February 2006. Providing a bunch of rent receipts for the year 2005 will not help you and will just cause confusion.
 - Although it is good to get letters from other tenants in the building to support your story, you should note that it would be better for you to bring **witnesses** to talk

about these problems if that is possible. Often, the Board Member will need to ask the witness questions.

- If possible, it is a good idea to give the other side a copy of all your evidence before the hearing begins. By doing this you can speed up the process and prevent delays at the hearing.

3. Some basic points to keep in mind about **witnesses**:

- Witnesses must arrive at the Board on time. In fact, it is a good idea to arrive early.
- If a witness is not willing to come to the Board, you can ask the Board to issue a **summons**. Once a summons has been issued, the witness must attend the hearing. It is an offence not to appear. It is important for you to get a *summons*, for example, if you want a building or property inspector to come to your hearing. It could take some time to get a summons, so make sure you plan these things in advance. Visit or phone the Board to get more information on how to summons a witness.
- Make sure to talk to your witness ahead of time so that you know what the witness will say at the hearing.

THE DAY OF THE HEARING: WHAT SHOULD I DO?

1. Get to the Board early. Be at the Board location well before the start of the hearing. Your Notice of Hearing will advise you to be there full ½ hour before your hearing is to start.
2. Make sure that you have all of your evidence with you. Providing the phone number of a witness so that the Board Member can telephone her/him is not going to help you. You need to have all your documents and your witnesses ready.
3. When you arrive at the Board location, the first thing you should do is look for the area where you must sign in for your hearing. It is important that you sign in. If you do not sign in, the Board Member will not know that you are present and could proceed with the hearing without you there.
4. Before your hearing, you can ask for “mediation” if you want to try to settle your problems with the landlord without going to your hearing. (Refer to the ***Tip Sheet for Tenants: Mediation*** for more information on this subject).

IN THE HEARING ROOM: WHAT SHOULD I DO?

The Board is not as formal as a court, but you must still show respect for the Board Member and the other people in the room. It is your job to convince the Board Member to believe your side of the story.

It is a good idea to keep the following points in mind:

1. Be **presentable**. Dress appropriately.
2. Be **polite**. Be respectful to everyone in the hearing room. At the beginning of the hearing the Board Member will usually tell you how she/he wants to be addressed. For example, the Board Member may want to be referred to as Sir or Madam. If they do not tell you, it is alright to ask them how they would like to be addressed.
3. Be **attentive**. If you do not understand what is happening at any time, tell the Board Member. If the Board Member is talking too quickly, you might ask that they slow down a bit so that you can take notes on what is happening.
4. Be **flexible**. Be aware that your case might not take place at the time that the hearing was scheduled. There might be several cases scheduled for the same time. The Board Member will decide in which order to hear the cases.

THE HEARING: WHAT SHOULD I EXPECT?

The Board Member decides how to conduct the hearing. Most Board Members follow a set process when conducting the hearing.

The side that started the case begins by telling their story. For example, the landlord starts in an eviction case, and the tenant starts in a “tenant’s application” case. The person who started the case is called the “**Applicant**”. The person defending the case is called the “**Respondent**”

- The Applicant presents all of their evidence through oral testimony, pictures, expert reports, witnesses and so on. If you are introducing any documents be sure to show the other side the document first and after they have seen it, show the Board Member.
- After each of the Applicant’s witnesses has given evidence, the Respondent can ask the witness questions. This is called “**cross-examination**”.
- After cross-examination, the Applicant can ask the witness some further questions about anything new which came up during the cross-examination. This is called a “**re-direct**”.
- When the Applicant is finished presenting their case, the Respondent can begin to explain their side of the story. This is done by calling witnesses and presenting evidence, in the same or similar manner that you did. The respondent and his or her witnesses can also be “cross-examined” by you. You should be taking notes so you can remember what the respondent said and ask any questions if you need to.

After that, the respondent will have one more chance to re-examine their witnesses if anything new came up.

- When both sides have finished presenting all the evidence, it is time for **closing submissions** (that is, a summary of what each side has said during the case, and what they are asking for from the Board).
 - First, the Applicant makes closing submissions;
 - Second, the Respondent makes closing submissions; and
 - Third, the Applicant has an opportunity to reply to anything **new** that the Respondent has said in their closing submissions.

THE DECISION: WHEN DO I GET IT?

At the end of the hearing, the Board must make a decision. The decision may be given to you verbally at the end of the hearing. The Board's verbal decision will be sent to you in the mail in the form of a written order. You should receive this order within a couple of weeks.

The Board could choose not to give you a verbal decision at the end of the hearing. In this case, you will receive the written order in the mail. If the Board has not issued a decision within the next couple of weeks, you may wish to phone the Board.

THE DECISION: WHAT IF I LOST?

After carefully reading the decision, if you find there is something you do not understand, you can ask the Board for **written reasons**. There is a time limit of 30 days from when the decision was written or issued. Do not delay. Get legal advice.

Once you obtain the written reasons, be sure to review them carefully. If the Board made a mistake in the law or misinterpreted your evidence, you may be able to ask for a review. There is also a time limit of 30 days from when the decision was written or ordered to file this review. There is a \$50 fee for doing a review. It is a good idea to get legal advice before requesting a review.

WHERE CAN I GET MORE INFORMATION?

Contact your local **Community Legal Clinic** for free advice on landlord and tenant matters. To find the telephone number for your clinic call Legal Aid Ontario at (416) 979-1446 or 1-800-668-8258.

You can also call the **Tenant Hotline** at 416- 921-9494 for free information and referrals to your local legal clinic.

You can find information on line at www.acto.ca or www.cleo.on.ca.

You can call the Landlord and Tenant Board toll free at 416-645-8080 from within Toronto calling area or 1-888-332-3234 from outside Toronto. Their internet address is www.ltb.gov.on.ca