

Ontario Rental Housing Tribunal

A lawyer with ACTO's Tenant Duty Counsel Program (TDCP) at the Ontario Rental Housing Tribunal (ORHT) identified a disabled tenant improperly evicted and assisted her in filing a set-aside of the eviction. TDCP and ACTO then worked to reverse the eviction decision, which was made without the presence of the tenant or a representative. The Tribunal eventually decided that our client should not have been evicted by a landlord who alleged she was disturbing other tenants by excessive noise from her apartment. The Tribunal found that the previous eviction order was wrong because the noise from the tenant was a result of her mental disability during a particularly difficult period.

In setting aside the eviction order, the Tribunal found that it must consider the Ontario Human Rights Code. The Tribunal found that the Code had been infringed because the rule against excessive noise had a discriminatory adverse effect on the tenant, given her disability and condition during the period at issue.