

Right to a Hearing

Do tenants have a right to a hearing?

The landlord gave the tenant an eviction notice based on a claim of damage to the apartment building. The tenant disputed this claim and went to the hearing at the Landlord and Tenant Board (the Board)) to give evidence. However, the hearing had to be postponed because the hearing block was taken up with other cases.

The tenant understood that the hearing had been rescheduled to a specific date. In fact, it had been scheduled (perhaps rescheduled without her knowledge - this is unclear) to a date a week earlier. As a result, the tenant missed the hearing and an eviction order was issued. The tenant tried several times to be heard and to have the eviction order overturned but all attempts failed.

ACTO appealed the eviction order to Divisional Court. The case was heard in November 2008. The Court found that the tenant had never had an opportunity to be heard. They found that she had a right to a hearing; natural justice would require no less.

The case was referred back to the Board for a new hearing. The tenant was successful at the hearing. The Board found that there was no evidence of the alleged damage. The landlord's application was dismissed.