

For Immediate Release

Advocacy Centre for Tenants Ontario Asserts that the Landlord and Tenant Board's Digital First Policy has Discriminated Against Ontarians

Toronto, ON – June 27, 2022 - The Advocacy Centre for Tenants Ontario (“ACTO”) will be representing a number of tenants from across Ontario in their human rights applications before the Human Rights Tribunal of Ontario (“HRTO”) against the Landlord and Tenant Board (“LTB”) and Tribunals Ontario (“TO”).

Since the start of the pandemic, the LTB switched to holding hearings online as part of their “Digital First” strategy. In the years since, it has become clear that the LTB’s “Digital First” strategy leaves behind vulnerable Ontarians and excludes many tenants from meaningful participation in their hearings. Through “Digital First”, the LTB has chosen to prioritize the interests of certain groups (landlords, homeowners) over others (such as tenants, social assistance recipients, the elderly and people with disabilities).

ACTO has selected the HRTO as the appropriate forum for these cases because, for many tenants, the LTB’s failures during this period has violated their human rights. ACTO intends to achieve a significant legal victory for those who were left behind when the LTB unilaterally decided to go “Digital First”. These applications represent the first attempt to call the LTB to account for these violations on a systemic level.

The stakes for renters could not be higher

Ontario remains mired in a serious affordable housing crisis, a province where 60% of renters say they have had to cut back on food to be able to afford their rents. The province loses affordable housing every single day without replacing it. This is the context that the LTB operates in, with the tribunal hearings often the last opportunity for people to save their housing. It is, therefore, unacceptable that the LTB refuses to amend their operational practices that are creating significant barriers for tenants to reasonably participate at their hearings.

“Through this litigation we are demanding justice for the tenants who have suffered as result of the ‘Digital First’ strategy,” notes Ryan Hardy, Staff Lawyer at ACTO. “Beyond ensuring immediate justice for those affected, we are also seeking systemic reform to improve the LTB experience for *all* tenants and protect people from unnecessary evictions.”

Upholding Ontario’s Human Rights Code is not optional

Although the LTB gives the option to grant in-person hearings, the process is obscure, confusing, and frequently results in lengthy delays. To date, ACTO is not aware of any in-person hearings held yet by the LTB since March 2020, despite hundreds of requests made. Only one request has been granted to date.

“Requiring all communication to be digital is like locating a Board office on the second floor of a building that doesn't have an elevator. You are excluding a whole category of people de facto. It should be about actively offering accommodation rather than making it a puzzle the accommodation-seeking individual has to solve. Design the system with vulnerable individuals in mind, not lawyers,” continues Hardy.

In some cases, ACTO has found that the LTB’s refusal to grant in-person hearings has been in violation of *Ontario’s Human Rights Code*.

“The LTB is a service provider under s. 1 of the *Code*. These applications allege that s. 1 was breached on a number of grounds, including but not limited to: age, marital status, family status and disability,” notes Hardy.

“Ensuring that *all* Ontarians have their human rights upheld is not a ‘nice-to-have,’” says Mairghread Knought, a Community Legal Worker with the Nipissing Community Legal Clinic. “It is required by law, and through these applications to the HRTO, we intend to achieve justice for those whom the LTB has callously chosen to cast aside.”

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About Advocacy Centre for Tenants Ontario

The Advocacy Centre for Tenants Ontario (ACTO) is a specialty community legal clinic with a province-wide mandate to advance and protect the interests of tenants living on lower incomes. ACTO specializes in housing issues related to tenants. The clinic also coordinates the Tenant Duty Counsel Program (TDCP) across Ontario, which provides legal information and assistance to self-represented tenants appearing at the Landlord and Tenant Board.

For more information, including interviews with ACTO representatives, please contact:

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