

How the forced switch to digital hearings has done more harm than good.

The Digital Divide

There are over 1.5 million tenants in Ontario

What happened?

Tribunals Ontario (which oversees the Landlord and Tenant Board, LTB) introduced a Digital First Strategy, a permanent move in the midst of the pandemic.

The implementation of the new Digital First Strategy included an overhaul of how matters are scheduled. Previously, all local matters were scheduled together according to different regions, regardless of file type. Now, matters are scheduled by file type, which creates mega hearing blocks with regions grouped together.

Save on legal and travel bills because they can easily participate online

Likely to have the means to ensure they can easily participate

Have control over tenants and the cost of rent

Majority of landlords are represented at hearings

The landlord



Are likely familiar with technology and have the tools and experience to navigate the system

Being familiar with the process reduces anxiety

Were included as stakeholders during consultation

74% appear by video at the hearings

The challenges:

Rents are rising every month and the only protection some tenants have is rent control so long as they remain in their home

Almost 50% of tenants pay unaffordable rents

Cost

1 in 5 tenants spend more than 50% of income on shelter

May have to pay more for additional bandwidth or technology to participate

Don't always have the time or knowledge of the process to seek out legal advice on the day of their hearing

Tenants were not consulted as stakeholders before going digital

Inequity

Don't always have access to moderators or mediators to facilitate hearings or assist in resolving disputes. Mostly participate in hearings by phone (55.6%)

98% of tenants appearing before the LTB are unrepresented

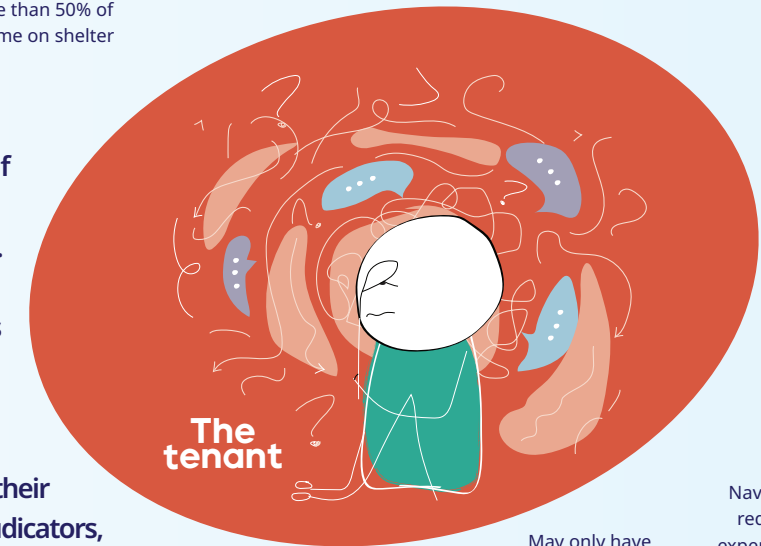
Navigating the system is complicated and stressful

The issue:

The changes imposed as a result of the Digital First Strategy have left tenants falling through the cracks.

Previously, unrepresented tenants could show up on the day of their hearing and get support. Tenants were able to easily share physical documents and evidence to support their case and tribunal staff including, adjudicators, moderators/commissionaires, mediators and tenant duty counsel staff were all more accessible for participants in the in-person environment.

Many tenants struggled with physical, mental, social and economic barriers before the shift. The forced change to a digital-first strategy has amplified these issues, causing tenants to lose their homes.



The tenant

May only have access to antiquated systems

Technology

Likely don't have access to the tools required to participate

Lower income and rural households are more likely to have insufficient internet speeds to participate in a virtual 4 hour hearing

Navigating the system requires knowledge, experience and access to specialized technology. Obtaining technology is expensive and using it is confusing.

75% of Toronto households with incomes under \$30,000 per year do not have home internet.

52% of all low income households in Toronto and 48% of those aged 60 and over had download speeds below what is considered the standard required by the CRTC.

What can be done to help?

Pause any further roll out of a digital system until users are consulted

Return in-person access to the LTB that includes in-person counter staff and hearings while providing digital as an option for those parties who prefer it.

Ensure that forms, website information, online portal, and any published materials are in plain language to increase accessibility.

Consult with tenants, landlords, and their representatives in designing a system that brings back the public's confidence in the Landlord and Tenant Board before taking any next steps.

Return to regional scheduling so that related matters will be heard together. This will allow all file types to be heard faster, and achieve better resolutions for all parties. Tenant duty counsel often sees the same landlords in the community, providing context and a relationship, and it makes it easier for tenant duty counsel to connect to local rent banks to assist tenants.

Ensure everyone has an equal opportunity and ability to state their case. It will be easiest to do this when both the landlord and the tenant are using the same systems.

Tenants could lose their homes because of the Digital First Strategy.