

LTB Hearing Glossary

Disponible en Français

Abandoned: If the applicant does not show up at the hearing, the application will be marked as abandoned. An abandoned application means that no finding of fact was found and no further action will be taken.

Adjourned: The matter will be brought back on a different date to be heard. Adjournments can happen because of overscheduling or at the request of a party.

Adjudicator/Member: The person who will be hearing the application and making a decision. An adjudicator can be addressed as Mister/Madame Chair.

Applicant: The person who initiated the process by filing the application with the Landlord and Tenant Board is considered the applicant.

Arrears Only Order: An order for repayment of arrears that is not subject to tenant eviction. These orders typically occur when a landlord files an N4 with a fatal flaw or files an L9 application. The adjudicator will provide the landlord the option of withdrawing the application or receiving an arrears only order.

Breakout Room: A feature of the online platform Zoom where parties can have private discussions about their matter during the LTB hearing.

Consent Order: An agreement that is reached by both of the parties. The parties will read the consent to the adjudicator who will put the agreement into a binding and enforceable Landlord and Tenant Board order.

Contested Matters: When the respondent to an application attends the hearing, and the hearing proceeds with both the applicant's and respondent's involvement.

Cross-Examination: When one party questions the other party's witnesses or other parties, in attempt to disprove the allegations in the application, or to disprove their defence to the allegations in the application.

De Novo: When a hearing has to start fresh, any verbal testimony or evidence that has been heard will not be considered.

Dismissed: An application that has been rejected because the applicant has submitted a notice with a fatal flaw or if the applicant did not meet their burden of proof.

Docket: The document that lists all of the files to be heard at the Landlord and Tenant Board.

Docket Number: The number both parties will be assigned to and referred to on the day of the hearing. The docket number is a simple double digit number, different from the file number.

Enforcement Clause: A clause that allows the landlord to file for eviction with the sheriff, if the tenant does not leave by the termination date stated in the Order.

Examination: The questions a party asks their witnesses in an attempt to prove the allegations in the application, or to prove their defence to the allegations in the application.

Ex-Parte: An order where only one party is present or involved. A written order is issued based only on the information provided by the applicant, often because of an L3 or L4 application.

File Number: The number given to an LTB Application, which can be found on the notice of hearing. The typical format of a File Number at the Landlord and Tenant Board is LTB-L-00000-25 or LTB-T-00000-25. The “L” indicates it is a landlord application, and the T indicates that it is a tenant application.

Hearing room: The “main session” or main room of the online platform Zoom. You will present your case before an adjudicator in the virtual hearing room.

Landlord’s Agent: Someone, other than the landlord that will act on behalf of the landlord during the hearing often times an employee or a family member of the landlord.

Mediated Agreement: A binding agreement that all parties have consented to.

Mediation: The process of engaging a neutral third-party mediator to meet with the Landlord and Tenant in a private breakout room to assist the parties in coming up with a mediated agreement during a confidential discussion. Both parties must agree to take part in mediation.

Mediator: A neutral third party who will assist the landlord and tenant in coming up with a mutual agreement to resolve the application.

Moderator: The person that will sign you in to the hearing. They will also move you to different “Zoom Rooms” as necessary. Not all blocks have moderators present.

Notice of Hearing: A document sent out by the Landlord and Tenant Board to all parties. It will feature the date and time of the hearing, the Zoom link, telephone number and passcode.

Party: The legal way of referring to a person involved in the application, rather than using the terms respondent or applicant.

Private discussion: A confidential discussion that takes place outside of the hearing room, without the assistance of a mediator.

Representative: A licensed paralegal or lawyer that the parties has hired to assist with their application/hearing.

Respondent: The person whom the application was filed against and is required to respond.

Section 78: A section of the *Residential Tenancies Act* that states a landlord may file an application with the Landlord and Tenant Board without notice to the tenant if the tenant

breaches a term or condition of a mediated settlement or order, the landlord can file an application (L4) with the Landlord and Tenant Board without notice to the tenant. The landlord will receive an ex-parte order for eviction.

Section 82: A section of the *Residential Tenancies Act* that allows a tenant to raise any issues that they could have brought up if they filed their own tenant application for (maintenance issues, tenant rights, illegal rent increases, etc.) at an L1/L9 hearing providing that the proper notice has been provided to the landlord and LTB (7 days).

Section 83: A section of the *Residential Tenancies Act* states that the adjudicator hearing the matter must consider all of the circumstances when determining whether to evict the tenant. They may delay or deny the eviction based on circumstances raised under S. 83 of the act.

Seized: A hearing where the adjudicator has heard some of the case and will need to remain on the file to hear the remaining issues. Being seized typically happens when an adjudicator has heard facts and/or evidence of a file and when a matter is being adjourned due to lack of hearing time.

Standard Order: A routine order of eviction, which provides the tenant with 11 days to vacate the unit. Otherwise the landlord can file with the sheriff for eviction enforcement on the 12th day. If issued in an N4/L1 hearing. The tenant would have 11 days to pay the rental arrears from the date the order is issued to avoid eviction.

Term or condition of a mediated settlement: An action the tenant agrees to do or agrees to refrain from doing to avoid eviction. For example, pay rent on time or stop smoking in the unit.

Termination date: The date the tenancy will end or ended.

Uncontested Matters: When the respondent to an application does not attend the hearing, and the hearing proceeds with only the applicant's involvement.

Withdraw: When the applicant no longer wishes for the adjudicator to hear the matter and wishes for the file to be closed without a decision.

Witness: A party who can provide either written (affidavit) or verbal testimony, in regards to the application that has been filed.

The **Residential Tenancies Act Fact Sheets** are intended to help landlords learn and understand their rights and responsibilities.

They provide general information not legal advice.