

Landlord's Self-Help Centre

A community legal clinic funded by Legal Aid Ontario

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Delivered by email
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September 27, 2018

LTB Consultation
Landlord and Tenant Board
655 Bay Street, 14th Floor
Toronto, Ontario
M7A 2A3

Re: LTB Consultation: Changes to Rules of Procedure and Guidelines

I am writing on behalf of Landlord's Self-Help Centre (LSHC) to provide comments on the above consultation. LSHC is a non-profit community legal clinic funded by Legal Aid Ontario and mandated to provide education and support services to the small landlord community in Ontario. The client constituency served by LSHC is comprised of small landlords who reflect the secondary rental market. When these small landlords are faced with application at the LTB they are typically self-represented and unfamiliar with the LTB process.

Unfortunately, due to the brief timeline for consultation, limited resources and competing priorities, we are able to offer only brief comments.

Rules of Procedure

- Rules 1.5 - Allowing the Use of a Sworn Statement
The use of a declaration rather than sworn affidavits will streamline the process, remove barriers, and be filed easily electronically.

- Rule 3 - Service of Documents on a Person on Party
LSHC supports the expansion of service to include the delivery of certain documents by email where written consent has been obtained.

To further clarify the form of consent referred in Rules 3.1 h, LSHC suggests an addition to this provision that reads: “or is specifically provided for in the tenancy agreement between the parties”.

LSHC further suggests amending Rule 3.5 by adding “or; C if there is evidence indicating that the recipient actually received the said email and the attachments.”

Rule 20 - Paying Money Into and Out of the LTB

LSHC notes the significant change in procedure with respect to the manner in which payment of money out of the LTB is managed as detailed in Rules 20.3, 20.4, 20.6 and 20.8

LSHC strongly objects to the significant change in policy and believe the money should rightfully be paid out to the landlord given the landlord obtained an order from the LTB requiring the tenant to pay a specified amount to the landlord. If the LTB receives any money from the tenant on account, whether paid in full or in part, that money should be directed to the landlord, not returned to the tenant.

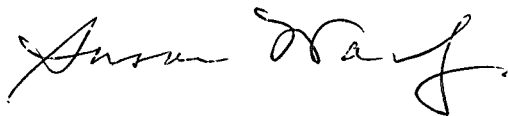
Guideline 6

The expansion of Guideline 6 to include a discussion of all the grounds in the Application About Tenant Rights (T2) will serve as an excellent resource for landlords as well as tenants, particularly the updated case law and links to relevant LTB orders.

Thank you for the opportunity to provide comment.

Sincerely,

Landlord's Self-Help Centre

A handwritten signature in black ink, appearing to read "Susan Wankiewicz". The signature is fluid and cursive, with a large initial 'S' and 'W'.

Susan Wankiewicz
Clinic Director