GENERAL LTB HEARING INFORMATION

General Hearing Information

Who is involved with hearings at the Landlord & Tenant Board (LTB)?

Tenant Duty Counsel

Tenant Duty Counsel (TDC) are legal professionals present to assist tenants who have a hearing scheduled at the Landlord and Tenant Board (LTB). TDC can:

- Provide you with free legal advice
- Provide representation in some preliminary matters, such as requesting an adjournment or a motion to set aside a default order
- Provide assistance for tenants in negotiation and mediation of a settlement or consent order, for example helping with arranging a payment plan with a landlord if the tenant is behind on rent

Whether TDC represents at a hearing depends on the circumstances of your case.

The Adjudicator

The Adjudicator is in charge of the hearings. The Adjudicator is a member of the Social Justice Tribunal who has been appointed by the government of Ontario to make decisions on applications filed by landlords or tenants and is in charge of the hearing. The Adjudicator's role is similar to that of a judge in that they hear the facts and evidence and make a final decision based on this information.

The Mediator

The Mediator's role is to assist tenants and landlords to resolve the matter. If a consent or payment plan is reached in mediation, the order will be **binding**. Mediation is a free, service, similar to TDC, and if an agreement is not reached, the parties will head to a hearing.

The Moderators

When you attend your hearing, you may find it being organized by Moderators. Moderators take attendance, signing participants in one by one, and then check if a tenant wishes to speak with TDC. Moderators will also check with all participants if they are interested in mediation. They will then assign you to the virtual room you need based on whether you wish to speak to TDC, attempt mediation or proceed directly to your hearing.

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The Parties

The Applicant and the Respondent are called "parties" to the application. The party filing an application is called the Applicant. The party answering or defending is called the Respondent.

The parties can represent themselves or have an agent represent them. An agent can be a lawyer, a paralegal, a friend or a relative. An agent must have written permission to act on behalf of an applicant or respondent. **If you are a tenant and are not represented, you may wish to speak to TDC before your hearing begins.**

What if I need TDC services?

Before the hearing starts, there will be attendance. When you are signed in, you will be asked if you wish to speak with TDC and if you wish to attempt mediation. Your local TDC may be giving advice to other tenants when the adjudicator calls you to your hearing. If you have not had a chance to speak to TDC when this happens, tell the adjudicator that you want to speak to them before you have your hearing.

It is your right as a tenant to speak with TDC if you so wish.

Where is the hearing held?

Hearings are now held virtually, either through Zoom or Microsoft Teams. When you receive a Notice of Hearing, it will say which program it is being held on and all the information you need to attend. The Notice of Hearing is the paper telling you the date and time of your hearing. It also tells you your file number and gives instructions on submitting evidence you want to show at your hearing.

If you are unable to log in to your hearing by computer, tablet or smart phone, that's okay!

Your Notice of Hearing will also have a toll-free number. You can call into the hearing using this number. When you call in, put in the meeting ID and passcode if prompted (this is on your Notice of Hearing) and wait for instructions.

Please see our **Zoom Tip Sheet** for more information on virtual hearings:
https://communitylegalcentre.ca/tcodownloads/zoom-tip-sheet/

Tenants in eastern Lennox & Addington County usually attend virtual hearings different from Hastings and Prince Edward County. The TDC service for these tenants is offered through the Kingston Community Legal Clinic.

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What if my matter settles before my hearing?

TDC can help you to prepare what is often called a "proposed consent order" which reflects the agreement you have reached with the landlord or an agreed upon payment plan. You and/or TDC can go before the Adjudicator and read the proposed consent order to the Adjudicator. The Adjudicator can then make an order that is binding on both parties.

You can also go before a Mediator alongside your landlord. The Mediator will then make an order that is binding on both parties. TDC can help you with mediation as well depending on your circumstances.

What happens if my matter goes to a hearing?

If you are unable to resolve your matter, it will proceed to a hearing before the Adjudicator. A hearing is like a trial.

The Applicant will present evidence first. The Respondent then gets a chance to ask questions of the Applicant's witness(es). When the Applicant is finished presenting evidence, the Respondent will present evidence. The applicant gets a chance to ask the Respondent's witness(es).

After the parties have presented all of their evidence to the Adjudicator, they should be given an opportunity to summarize the case and any legal arguments for the Adjudicator. Sometimes the Adjudicator will tell you what his/her decision is, and sometimes the decision will be "reserved" (will be given later). In both cases an order will be prepared and mailed or emailed to both parties by the LTB.

If a party disagrees with the decision there is a further process for "Review" by the Board. You should contact our office or the LTB if you need more information about this process.

For more information, please visit:
https://stepstojustice.ca/questions/housing-law/im-taking-my-landlord-ltb-how-do-i-present-my-case/

What if I was unable to attend my hearing?

If you were unable to attend your hearing, you can file a "Request for Review".

If you know ahead of time you will be unable to attend, you can file a "Request to Re-Schedule". Whether these reviews are granted will depend on your circumstances. These forms can be found on the LTB website.

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CONTACT INFORMATION FOR LANDLORD & TENANT BOARD

Staff can give you information about the LTB and the law, but will not give legal advice. More information can be found here: https://tribunalsontario.ca/ltb/

Mail and couriers sent to the Landlord and Tenant Board should now only be addressed to:

Landlord and Tenant Board
15 Grosvenor Street, Ground Floor
Toronto, ON M7A 2G6

Phone: 1-888-332-3234

NOTE: THERE IS A SPECIFIC EMAIL AND INSTRUCTIONS FOR SUBMITTING EVIDENCE. PLEASE CHECK YOUR NOTICE OF HEARING FOR THE INFORMATION.

Service Ontario Locations (for picking up forms or filing documents in person):

Bancroft: 50 Monck Street
Belleville: Century Place Mall, 199 Front Street
Kingston: 1201 Division Street and 1650 Bath Road
Napanee: 7 Snow Road, Unit 2
Trenton: 15 Dundas Street East
Tweed: 255 Metcalf Street

For more information and Service Ontario locations, please visit: https://www.ontario.ca/locations/serviceontario.

Service Ontario Contact Information:

Telephone toll free: 1-800-267-8097 TTY toll free: 1-800-268-7095

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