



May 29, 2022

SENT VIA EMAIL: sean.weir@ontario.ca

Sean Weir
Executive Chair, Tribunals Ontario
15 Grosvenor Street, Ground Floor
Toronto, ON M7A 2G6

Dear Mr. Weir,

RE: Concerns About Access to Justice in Relation to the Tribunals Ontario Portal and the Landlord and Tenant Board

Community legal clinics such as Mississauga Community Legal Services (MCLS) are the experts in poverty law services. We provide direct front line legal services to low-income residents of Mississauga. We provide legal assistance at a point in our clients' lives when they most desperately need help: at the time that they are facing eviction, loss of a job, loss of disability benefits, or other serious legal problems.

MCLS serves the third largest city in Ontario. Approximately 125,000 of Mississauga's residents are considered low-income based on the 2016 census. We appear before the Landlord and Tenant Board, the Workplace Safety and Insurance Board, the Workplace Safety and Insurance Appeals Tribunal, the Social Benefits Tribunal, the Human Rights Tribunal of Ontario, the Social Security Tribunal and the Immigration and Refugee Board, as well as serving clients with matters in Small Claims Court.

We are writing to express our concerns regarding the ways in which the Tribunals Ontario Portal has resulted in additional barriers with access to justice as it relates to the Landlord Tenant Board

The implementation of the Tribunals Ontario Portal has exposed some significant customer service issues which include:

- **Reliance on access to technology.**

In our experiences, alternate hearing formats, while technically available, are difficult to access. There have been no in-person hearings held since March 2020. Many of our clients are not technologically literate and have serious barriers to accessing virtual hearings, including that they do not have phone or internet at home, they do not have a confidential space in which to hold their hearing at home, or they are unable to use the technology for disability-related reasons.

Due to the barriers in accessing digital hearings, clinics like ours are pressured to provide meeting spaces, devices and technical know-how for clients to attend their hearings. This has put pressure on our clinic to assist tenants who may not otherwise have met our case-selection criteria, but who require our assistance to attend their hearings. The downloading of this cost to clinics is not sustainable.

- **Inaccessibility of the portal.**

A number of issues have been reported by our clients, in regards to accessing the Tribunals Ontario Portal, in both the initial stages of creating a Public Secure account, as well as continued access after registering as a user. For example, some of our clients have encountered issues with logging into the portal, despite having created a Public Secure account, which has hindered their ability to access and review documents.

- **Changes to document formats.**

Since the implementation of the portal, changes have been made to the format of both electronic and mailed documents. When documents no longer resemble the established formats it makes it more difficult for clients to understand and fully participate in the tribunal process. Examples of these changes include the new format of landlord applications that are submitted electronically, which make it harder to understand what type of application has been filed against a tenant.

Proposed Solutions

1) Tribunals Ontario should progress with a customer service first approach keeping in mind its mission which is to deliver “administrative justice for Ontarians in a fair, independent, effective and efficient manner....promote public confidence through integrity and excellence, and by being accessible, accountable and responsive.”

Tribunals Ontario can do this by engaging again with its stakeholder advisory panels with its various tribunals. Up until 2018/2019, the LTB, SBT, and HRTTO held routine meetings with its access to justice partners to improve its services to Ontarians. Many of the concerns over the last year that we have highlighted above could have been avoided had Tribunals Ontario continued to consult with its partners in co-developing strategies to address the challenges brought forward by the pandemic.

2) Explore alternative means for Ontarians to access Tribunals Ontario services.

Tribunals Ontario can offer phone, video and in person services depending on the local conditions and the needs of each community across the province similar to the government’s pandemic response.

Courts are also amending their services to reflect the changing reality of the pandemic where in person matters is the default approach and inferior means such as video and

telephone is provided where appropriate. These decisions are guided with a health first perspective.

The Social Security Tribunal had provided hearing locations that included equipment and IT support in its administration of justice. Tribunals Ontario can work with the many Service Ontario offices that continue to offer in person services to achieve its mission. Municipalities have libraries that offer computers and hot spot capabilities that could also possibly assist in your delivery of services.

3) Conduct a customer service survey of partners

As far as we understand there was no survey of Tribunal partners or participants prior to the implementation of the Tribunals Ontario Portal. We recommend now that you are approaching the 6 month mark of this initiative to conduct survey to see where there are opportunities for improvement in access to Tribunal services. This survey should be broad based to include all of its justice partners and users of the tribunal (applicants and respondents).

The results of the survey should be transparent and used as a tool to work with your advisory panels to improve your services.

4) Fully utilize all 43 Tribunals Ontario offices including the central office in Mississauga to serve the 3rd and 4th largest cities in the province.

We understand that the LTB may open select offices in Toronto, London, and Ottawa to assist in overcoming the barriers that we had outlined above. We suggest that it open up all 43 locations to better serve Ontarians. These offices can be equipped with PPEs such as plexiglass barriers, cleaning supplies, video conferencing equipment, system navigators, and mediators fairly quickly.

By only opening three out of the 43 locations many Ontarians remain underserved. By not opening up the LTB Central Office there are over a million Ontarians who do not have equal access to resolve their matter before the Landlord and Tenant Board member. Moreover, the Board is paying rent to all 43 vacant spaces since March 2020 and it is a significant waste of taxpayer money for it to continue paying rent in these spaces just to keep the lights off.

The COVID-19 pandemic has presented a crisis within a crisis for housing affordability, which was already at critical levels for the Region of Peel and the City of Mississauga prior to the pandemic. This has resulted in vulnerable members of our community being at greater risk as they already had limited resources and tools to access their basic needs. We have seen emerging homeless encampments in Mississauga due to a number of housing factors since 2020. This continues to put service pressure on our clinic to provide housing law services to keep people in long-term affordable rentals.

With the implementation of the Tribunals Ontario Portal the fundamental principles of fairness and equality have been forgotten. It is during these most difficult times that the marginalized members of our community are experiencing the most hardship and to deny them their right to participate meaningfully and fairly within the Tribunal system is completely unjust.

Tribunals Ontario needs to ensure that access to justice is at the forefront of the new digital first strategy. A key first step is based on the Tribunals Ontario responsiveness and adaptability of the needs of our local communities where a people-centred approach is needed. It will require coordination and consultation with other social economical and community legal organizations such as ourselves.

We thank you for considering our concerns and suggestions and we look forward to your response to these concerns within the next two weeks.

Yours truly,
The Housing Team
MISSISSAUGA COMMUNITY LEGAL SERVICES



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