



THE LANDLORD AND TENANT BOARD

Service delays putting more strain on landlords

by Chris Seepe

The Landlord and Tenant Board, otherwise known as LTB (or “Loves Tenants Best”) has been the source of frustration for landlords virtually since its inception in 2007. That said, as a mid-size Ontario landlord, I recently discovered just how broken the LTB really is.

With hearing dates for Above Guideline Increase (AGI) applications now taking over a year to be set, and orders thereafter an additional three to five months, many landlords have become frustrated to the point of abandoning their right to due process—and woe betide you if you complain.

Case in point: in November of 2018, and March of 2019, my property management company filed its first two AGI applications for two GTA properties. Several months and follow-up emails later, we received a letter from the LTB Regional Manager in October 2019 stating that the “preliminary” hearings for our two AGIs would be set—the first, for one full year after our filing date. Making matters even more frustrating, the LTB only gave us 2.5 business days to deliver the 25-page Notice of Hearing (NOH) to every tenant in the building.

The NOH states: “Where a ... Hearing is rescheduled as a result of the applicant’s failure to serve ... the Board may consider costs against the applicant.” And, “Once service has been completed, you must file the Certificate of Service (COS) ... with the Board.” But no instructions were provided on how to do this.

The COS states, “... Any tenants who were not served ... the application may be amended to remove those tenants.” If we’d not delivered the NOH within the 2.5 business days, I’d wager the LTB would

have added three months because “we” delayed the NOH.

Our paralegal, who focuses exclusively on AGI applications, wrote: “The practice of late is for the Board to provide as little advance time [as possible] for landlords to serve the tenants.” After sharing these observations in writing with several key people, the LTB’s only response came in the form of our first AGI hearing being rescheduled to a later date, putting it one year and two months after our initial filing.

And it’s not just AGI applications that are giving landlords grief; simple cases involving landlord-tenant disputes and rent payment issues are taking far too long to resolve. After a hearing, the LTB typically renders decisions

in about 11 days, but lately it’s more like several months. For the property owner relying on that income, 11 days is already too long when a delinquent tenant is failing to pay, granting them two more weeks of free rent. And given the LTB sets the eviction date for a Friday, if that tenant doesn’t follow orders to vacate the premises, landlords can’t go to the sheriff’s office until the following week, losing yet another week of income.

According to the LTB official website, the purpose and mandate of the Board is to resolve disputes between residential landlords and tenants in a timely and judicious manner. From my recent experiences, there’s nothing timely or judicious about it. ¹

Chris Seepe is a published writer and author, ‘landlording’ course instructor, president of the Landlords Association of Durham, and a commercial real estate broker of record at Aztech Realty. Email cseepe@aztechrealty.com or visit him at www.drlandlord.ca

THE FOLLOWING NOTICE WAS POSTED ON THE LTB WEBSITE IN NOVEMBER:

Over past months, parties have experienced service delays at the Landlord and Tenant Board (LTB). The LTB continues to work with the government to improve its services. A number of experienced adjudicators have recently been reappointed and recruitment is under way to fill other adjudicator vacancies. On January 1, 2019, the LTB became part of the newly created Tribunals Ontario organization. A review will be conducted of all tribunals, including the LTB, to identify areas for improvement to make services more streamlined, cost-effective and efficient.