



Important Information About Your Hearing

The Landlord and Tenant Board

The *Residential Tenancies Act* has rules for landlords and tenants to follow. If one side thinks the other side has not followed these rules, they can file an application with the **Landlord and Tenant Board**.

Why a hearing is held

When an application is filed, the Board will schedule a hearing. The Board holds a hearing to consider the application made by a landlord or tenant.

The person who made the application will try to show why the application should be granted, and the other persons who are affected by the application can respond and try to show why it should not be granted.

The person in charge of the hearing is called a Member of the Board. The Member will listen to what each person has to say and then make a decision about the application.

People at the hearing

A Board **Member** will be at your hearing. The Member is in charge of the hearing.

The person who filed the application is called the **applicant**. The applicant or their representative must come to the hearing. If they do not, their application may be dismissed.

The other person named in the application is called the **respondent**. They are also given notice to come to the hearing. If the respondent, or their representative, do not come, a decision can be made without them.

The applicant and the respondent are called **parties** to the application. In most cases, this is the landlord and tenant. In some cases, there may be more than one landlord or more than one tenant.

If a party has a **witness or witnesses** who can tell the Member something about the situation, then they will also be in the hearing room for some or all of the hearing.

Types of hearings

There are four different types of hearings:

- an **oral** hearing, where the applicant and respondent appear in person before a Member (this is the most common type of hearing),
- a **video conference** hearing, where the hearing takes place using a video link between the Member and the parties,
- a **telephone hearing**, where the hearing takes place using a telephone link between the Member and the parties, or
- a **written** hearing, where the parties file written documents, instead of appearing in person.

The Board will decide which type of hearing you will have.

Hearing date and time

When an application is filed, in most cases the Board will mail a copy of the application and the Notice of Hearing to you and the other parties.

The Notice of Hearing tells you the time, date, and location of your hearing, or if a written hearing will be held, it tells you the deadlines for filing documents with the Board.

If you are having an oral hearing, you should arrive at your hearing 30 minutes before the actual start time so that you have time to sign in, locate your hearing room and organize yourself for the hearing. If you are late, the Board can decide to hold the hearing or make a decision about the application without you.

Length of the hearing

Every hearing takes a different amount of time. The length of your hearing may depend on things like: who appears at the hearing, the issues that are being talked about, the evidence that is being presented, and so forth.

There are usually several hearings booked on the same day and time as yours. Everyone is asked to come at the same time. The Board Member will decide the order in which each application will be heard that day.

You should not be late to your hearing because if you are, the application may be heard without you. At the same time, you may have to wait several hours for your case to be called. You should plan to be at your hearing for the entire day, just in case your hearing is called later in the day.

What to Do Before the Hearing

Decide if you want to have a representative at the hearing

Parties can represent themselves at the hearing, or they can have someone else (called an **agent**) represent them. An agent can be a lawyer, a paralegal, a friend or a relative.

If you have anyone other than a lawyer represent you, you must give the Board your written permission to have that person represent you.

Make copies of any evidence

If you want to give any evidence at the hearing, such as a document or a picture, you should bring three copies -- one for the Member, one for the other side and one for you.

Arrange for any witnesses to come

If you have witnesses that you want at the hearing, you must arrange for them to come.

If you think your witness will come to the hearing if you ask them to, then ask them to come. Make sure they know when and where the hearing will take place.

If you are not sure if a witness will come if asked, you can ask the Board to issue a **summons**. A summons is a legal document that tells that person to go to the hearing.

If you think a summons may be needed, you should contact the Board well in advance of your hearing for more information.

The Board also has a **Summons** brochure that you should read. It tells you important information you will need to know.

If you cannot come to the hearing

A hearing before the Board is an important legal matter. It is important that you attend.

If you know before your hearing date that you cannot come to the hearing:

You can...	If you do,...
<p>Ask a person to go to the hearing and represent you.</p>	<ul style="list-style-type: none"> • and that person is someone other than a lawyer, they must have your written permission to represent you. You must also give them all of the information they will need to go ahead with the hearing.

If you cannot come to the hearing
(continued)

You can...	If you do,...
<p>Ask all of the other parties <u>before</u> the hearing date if they will agree to set a new hearing date.</p>	<ul style="list-style-type: none"> • and if they agree, you must file a letter with the Board no later than noon the day before your hearing. The letter must have the application file number and say that all of the parties agree that a new hearing date can be set. • and all of the other parties do not agree, then you cannot do this.
<p>You or your representative can attend the hearing and ask for the hearing to be adjourned.</p>	<ul style="list-style-type: none"> • you or your representative must explain why you cannot go ahead with your hearing that day. Note: If the Member does not allow the adjournment request, the hearing will happen that day.

Request French language services

The Board will have French language services at your hearing if:

- a party asks for it, or if the application is filed in French, **and**
- if the address of the rental unit, or the address of the party is located in an area designated by the *French Language Services Act*.

If you are in a designated area and need French language services at your hearing, you should tell the Board as soon as possible. The Board will provide a French interpreter at the hearing.

The Board will also attempt to schedule a French-speaking member for the hearing if one is available within a reasonable time. Otherwise, the hearing will proceed with the assistance of the French interpreter.

The Board will not translate or pay for the translation of documents that have been filed.

Note: The Board does not provide interpreters at the hearing for languages other than French. If you cannot communicate with the Member or other parties in English, or French in a designated area, it is your responsibility to bring someone to the hearing to be your interpreter.

Request sign language and other services

The Board will arrange and pay for the services of a sign language interpreter for a party who has a hearing disability. If you need a sign language interpreter, you should make a written request to the Board as soon as possible.

If you have any other special needs, please contact the Board as quickly as possible to see if arrangements can be made to accommodate them.

Request Accommodation under the *Human Rights Code*

The Board provides its services in accordance with the provisions of the Ontario *Human Rights Code*, the *Ontarians with Disabilities Act, 2001* and the *Accessibility for Ontarians with Disabilities Act, 2005*.

The Board aims to provide an inclusive and accessible environment in which all members of the public have equal access to its services, and are treated with dignity and respect. The Board is committed to providing services without discrimination based on the grounds set out in the *Code*: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status and disability. The Board is committed to providing accommodation to persons with specific needs related to *Code* grounds. The Board will maintain the principles of dignity and respect throughout the accommodation process.

Clients with disabilities and other *Code*-related needs can ask the Board to make special arrangements to accommodate their needs so they can have full access to Board services and participate fully in Board hearings and mediation.

Clients can make a request for accommodation under the *Code*, by telephone, fax or mail. Clients who are making their request in writing can fill out the form “Additional Services Available to You at Your Hearing”. This form is available at Board offices and at the Board’s website at www.LTB.gov.on.ca.

For more information about the Board’s commitment to the *Code* and about making a request for accommodation under the *Code* to the Board, please see the Landlord and Tenant Board’s *Policy on Accessibility and Human Rights*. This policy is available on the Board’s website at www.LTB.gov.on.ca. Copies are also available at all Board Regional offices. Clients can also request a copy of this policy in Braille.

On the Hearing Day

The hearing process

Note: The following describes the standard process for an oral, video conference or telephone hearing. If you have a written hearing, you will be given instructions in the Notice of Hearing.

First, the applicant tells their side:

At the hearing, the applicant tells why they made the application and gives any evidence they have to back up those reasons. He or she may give evidence, or call witnesses to give evidence. The applicant should give the Member and the respondent a copy of any documents they have brought to the hearing.

The respondent can ask them questions:

When the applicant and their witnesses have finished, the respondent can ask them questions. The reason for asking questions is to clarify something they said, to get more details, or to show that an error may have been made -- it is not to argue with them.

Then, the respondent tells their side:

The respondent then tells their side and gives any evidence they have to back up what they have said. They can also call witnesses to give evidence. The respondent should give the Member and the applicant a copy of any documents they have brought to the hearing.

The applicant can ask them questions:

When the respondent and their witnesses have finished, the applicant can ask them questions.

The Member may also ask questions:

The Board Member can also ask questions of any party or their witnesses at any time during the hearing.

Then, each side sums up their case:

After both sides have finished, each side makes a final statement to sum up their evidence, and give their view of the other parties' evidence. Each party can tell the Member what decision they think should be made based on the evidence given during the hearing.

The hearing process
(continued)

The Member decides:

The Member will make the final decision about the application.

In some cases, the Member will announce their decision at the end of the hearing. However, in most cases, the Member will need more time to make a decision. Either way, the Member's decision will always be put in writing (this written decision is called an **order**). A copy of the order will be mailed to all of the parties.

Tenant can raise other issues on an application involving arrears of rent

If the landlord files either:

- an Application to Terminate the Tenancy for Non-Payment of Rent (Form L1), or
- an Application for Arrears of Rent (Form L9)

the tenant can raise issues at the hearing that they could have raised had they filed their own application - such as maintenance concerns, illegal charges, etc.

For more information on this topic, see the separate brochure on **Issues a Tenant Can Raise at a hearing for a Landlord's Application for Non-payment of Rent (Form L1 or L9)**. A copy of this brochure is available from the Board.

Mediation Services

Mediation is a service that is offered by the Board. In mediation, a Board Mediator talks to the parties to see if they can come to an agreement to settle some or all of the issues in the application. If all of the issues are settled, a hearing does not need to be held.

Mediation is voluntary, which means that all of the parties have to want to try it. Mediation is offered for most types of applications.

If you do try mediation and you do not settle the application, your hearing will take place as scheduled. At your hearing, you cannot talk about what was said in mediation, because mediation is confidential.

Tenant Duty Counsel Services

Tenant Duty Counsel is a service for tenants. This service is independent of the Landlord and Tenant Board.

Tenant Duty Counsel is a lawyer or other legal professional who helps tenants on the day of their hearing.

**Tenant Duty
Counsel
Services**
(continued)

Tenants do not need an appointment to speak with Tenant Duty Counsel and Tenant Duty Counsel do not make appointments to speak with tenants. Tenants should come to their hearing **before** the start time if they want to meet with Tenant Duty Counsel. Tenant Duty Counsel gives priority to tenants with eviction hearings.

If you are speaking with Tenant Duty Counsel when your hearing is scheduled to begin, you must go to the hearing room and tell the Member. If you do not, your hearing may proceed without you. Tenant Duty Counsel is **not** always available at all hearing locations on all hearing days.

For More Information

**Contact the
Board**

This brochure provides general information only. For more information, or to obtain copies of the Board's forms and publications, you may:

- visit the Board's website at www.LTB.gov.on.ca.
- call the Board at **416-645-8080** or toll-free at **1-888-332-3234**, or
- visit your local Landlord and Tenant Board office. A list of Board office locations can be found on our website, or you may call us at the numbers listed above.