



Kristyn Wong-Tam

MPP TORONTO CENTRE

October 10, 2023

Sent by Email

The Hon. Doug Downey
Attorney General
Email: attorneygeneral@ontario.ca

Re: Improving Access to Justice at the Landlord and Tenant Board and Small Claims Court

Dear Hon. Minister Doug Downey,

I am writing to share concerns brought to my office about dysfunction at the Landlord and Tenant Board (LTB) and Ontario Small Claims Court.

Mr. Marc Goldgrub is a practising lawyer who contacted my office after having multiple concerning experiences with the LTB and Ontario Small Claims Court. His experiences are deeply distressing and deserve an appropriate and immediate government response.

The first issue involved a simple case that required nearly two years to be fully adjudicated. Then, after finally receiving a full hearing, it took the adjudicator over 60 days to issue an order. Mr. Goldgrub believes that it may have even taken longer had he not persistently contacted the LTB (with notice to the Ombudsman's office) demanding issuance.

Reiterating a point made by the Ombudsman in their recent report on the LTB's malfunction, Mr. Goldgrub likewise stated that LTB adjudicators must be given, and held to, clear timelines for order issuance. And where an adjudicator fails to abide by such timelines, they must be held appropriately accountable by the LTB, including by dismissal where necessary.

The second issue that Mr. Goldgrub brought to my attention was an error with the Ministry of Justice website. The [website](#), in the section titled "Scheduling a Garnishment Hearing", instructs lawyers to "[c]all the court office to get a hearing date to put on the form." However, the process had at some point been changed, requiring parties to first file a form *before* a hearing date could be assigned. This change in process, however, is absent from the website.

Mr. Goldgrub followed the instructions on the site and was, of course, unable to obtain a date, as the Small Claims Court's phone was not sufficiently staffed, and he could not speak with a court clerk. After both he and his law clerks called multiple times over multiple weeks, often waiting on hold only to be ultimately disconnected, Mr. Goldgrub was finally told by email to call one specific court worker. After multiple attempts to contact the worker, he finally got through — only to learn the website was providing false information.

When the garnishment hearing was finally scheduled and took place, it was quickly adjourned, as the court felt it needed more time to hear the matter at length – notwithstanding that, again, the central issue was extremely uncomplicated (*i.e.*, did two alleged debtors live in a unit on and after a certain date, or did they not).

The court's failure to schedule appropriate time for the matter will result in each party paying thousands more in legal fees, with the debtors being affected far more severely than the creditor (which appears to be, in practical terms, simply a financial vehicle for real estate investment).

To summarize Mr. Goldgrub's concerns, Ontarians need:

- Clear timelines for when rulings will be issued;
- Accountability for adjudicators who fail to adhere to applicable timelines;
- Adequate resourcing of courts and tribunals so that official websites communicate clear, accurate, and timely information; and
- Processes to ensure appropriate time is set aside to hear matters which come before courts and tribunals, and to avoid needless and costly adjournments;

I look forward to hearing a response from your office about how your Ministry is working to address all of the above-listed concerns. You can contact my office at 416-972-7683 or kwt-qp@ndp.on.ca.

Sincerely



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cc: Premier Doug Ford

cc: Marc Z. Goldgrub

cc: Ontario Ombudsman

