

**Ministry of Municipal  
Affairs and Housing**

**Minister Responsible for Seniors**

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**Ministère des Affaires  
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**Ministre délégué aux Affaires des personnes âgées**

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TO THE LIEUTENANT GOVERNOR  
OF THE PROVINCE OF ONTARIO

MAY IT PLEASE YOUR HONOUR:

For the information of Your Honour and the Legislative Assembly, we have the privilege of presenting the Annual Report of the Ontario Rental Housing Tribunal for the 2005-2006 fiscal year.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "John Gerretsen". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Hon. John Gerretsen  
Minister of Municipal Affairs and Housing

**Ontario Rental  
Housing Tribunal**

Office of the Chair

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**Tribunal du logement  
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TO THE HONOURABLE JOHN GERRETSEN  
MINISTER OF MUNICIPAL AFFAIRS AND HOUSING

MINISTER:

I have the honour to submit the Ontario Rental Housing Tribunal's Annual Report for the 2005-2006 fiscal year.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "L. Ma".

Dr. Lilian Ma  
Chair  
Ontario Rental Housing Tribunal

**Ontario Rental  
Housing Tribunal**

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## **Chair's Message**

This is the eighth Annual Report of the Ontario Rental Housing Tribunal. Our Annual Reports coincide with the government's fiscal year; therefore, this Report will cover the period from April 1, 2005 to March 31, 2006. Ms. Bev Moore was the interim Chair until May 31, 2005. I assumed the position of Chair as of June 1, 2005.

Realizing the important task of the Tribunal in providing services to our clients, the landlords and tenants of residential premises of Ontario as well as community groups and interest groups who provide special services to their constituencies, we have formulated an Action Plan in June 2005 to address Member issues, operational/administrative support, an increase in Legal services support and duties, and to seek consultation with our stakeholders. The Action Plan is posted and updated on our website.

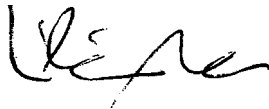
I appreciate the hardwork of the Vice Chairs and Members, the Director of Operations Diana Macri and all the administrative staff and as well the Director of Legal Services Branch Suzanne Graves and legal counsel thereof throughout the year and their devotion and professionalism in the fulfillment of our legislative mandate. The volume of work completed without backlog in the past year speaks for itself. We also thank our stakeholders both from the landlord and tenant groups in meeting with us and giving input to the amendment of our Rules and Guidelines.

Throughout this year, as the Tribunal's workload had increased, Vice Chairs and Members not only handled increased hearing blocks but also provided mentoring and support to the new members. Mediators have also been an important component to our dispute resolution strategy and they have engaged in meetings to better prepare themselves to meet the needs of our clients.

The call centre continues to be an important part for our dissemination of information to the public. Oftentimes disputes can be resolved at the earliest stage possible when the rights and obligations of each party are made known clearly. The call centre continues to provide much needed and timely service in the past year as in previous years. Our waiting times in answering phone calls involve only between one and two minutes for assistance from a Customer Service Representative and our abandoned calls are less than 1%.

The Tribunal remains dedicated to providing fair and effective service to all our clients. To that end, the Tribunal is committed to developing plans and programs on a continuing basis to fulfill our mission in the best possible ways.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Ma', written in a cursive style.

Dr. Lilian Ma, Chair  
Ontario Rental Housing Tribunal

## THE TENANT PROTECTION ACT

The *Tenant Protection Act, 1997*, (the TPA), was proclaimed on June 17, 1998 and applies to rental units in residential complexes.

Prior to the creation of the TPA, disputes between landlords and tenants were settled through the provincial court system. The court system was formal and costly, and dispute resolution often took a long time.

As well, previous legislation had a separate system for the Rent Control Program which oversaw the regulation of rent increases and provided information resources for tenants and landlords.

The need to provide a unified service to tenants and landlords led to the enactment of the *Tenant Protection Act, 1997* which consolidated the two systems and created an independent, quasi-judicial agency – the Ontario Rental Housing Tribunal, to administer the two prongs: dispute resolution and rent control, in relation to residential rental housing in Ontario.

The TPA set out the rights and obligations of landlords and tenants and created a process that was meant to deal with dispute resolution expeditiously and be accessible to the public who may not have legal representation.

Since proclamation, the *Tenant Protection Act, 1997* has been amended by the *Red Tape Reduction Act* in the fiscal year of 2001-2002 and, in the fiscal year of 2002-2003, by the *Government Efficiency Act*. Many of the amendments clarify existing rules in the TPA while other amendments have added new rights for landlords or tenants and change how the law applies. Each year, according to the Act a new rent increase guideline is announced. The annual rent increase guideline for 2006 was announced in August and is 2.1%.

## **THE ROLE OF THE ONTARIO RENTAL HOUSING TRIBUNAL**

The role of the Tribunal is to:

- Resolve tenant and landlord disputes through either adjudication and/or mediation
- Determine legal above guideline rent increases with respect to residential units
- Provide landlords and tenants with information about their rights and obligations

The Tribunal focuses solely on residential rental accommodation issues and offers a process that is more effective than previous systems for resolving landlord and tenant matters.

### **The Adjudication Process**

The Tribunal was designed to create a fair but less formal environment than that in the courts for the resolution of disputes between landlords and tenants. Under the adjudication process:

- Disputes are heard in public buildings rather than courtrooms
- Tenants may choose to represent themselves and may consult an on-site legal aid representative
- The more conciliatory approach of mediation is provided by the Tribunal before the hearing process begins or on the day of the hearing. It is provided to the parties in a “without prejudice” manner so that the matter can still go to adjudication if mediation fails.
- The Tribunal’s adjudicators are trained to deal fairly and effectively with the issues. Adjudicators are Members, appointed to the Tribunal by Order In – Council. Candidates apply to the Public Appointments Secretariat and are referred to and partake in a structured interview with the Tribunal. The qualified candidates are recommended to the Minister for consideration.

Adjudicators from across the province meet formally four days a year to discuss issues. They also meet more frequently and informally in their regions. Some of them sit on committees and working groups such as the Rules and Guidelines Committee, groups to review the format of orders and other groups that gather opinions on specific issues. Members’ meetings also contain elements of on going professional development to update members on emerging issues

such as amendments to the TPA and new case law, and to provide forums for members to discuss decision-making and other matters.

This year we started a series of roundtable discussions with our Vice Chairs and Members to discuss issues of importance to adjudication. As well, each region now has its own Vice Chair who is dedicated to helping the Members in their region and to manage the processes associated with quality assurance and Member training.

## **The Mediation Process**

Mediation is offered under the *Tenant Protection Act*. It is often used to clarify issues and narrow the areas of dispute so that the hearing may proceed more expeditiously. It can also lead to a resolution of the matter without a hearing. Mediated settlements are more flexible in their content than Tribunal orders. This often assists parties in reaching a satisfactory conclusion to their difficulties. Mediators use their expertise on the *Tenant Protection Act* and their negotiation skills to assist landlords and tenants in mediating their disputes and concerns. Mediators are available most of the time at all our hearing locations.

We are trying to focus our mediation on the more complex applications. Many tenant applications benefit greatly from mediation and we concentrate much of our resources on these. We have had success in mediating Above Guideline Increase applications, which saves all parties lengthy hearings and provides a quicker resolution of the issues.

During the fiscal year 2005-2006, approximately 15 per cent of the Tribunal's applications were successfully mediated without the adjudication process. More difficult to quantify is the benefit of resolving only some of the issues in an application. Although these applications still have to be heard, the hearing takes a much shorter time because many of the issues have already been resolved through mediation.

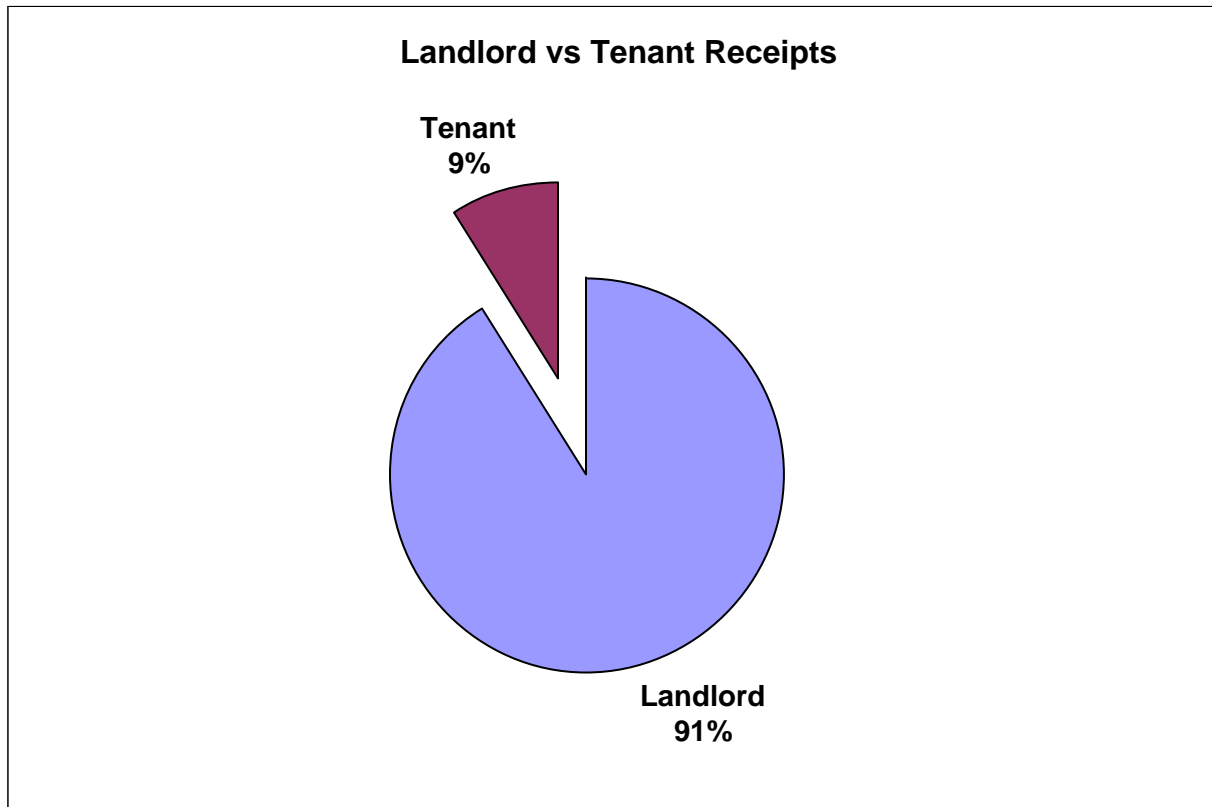


## Statistical Information for the 2005-2006 Fiscal Year

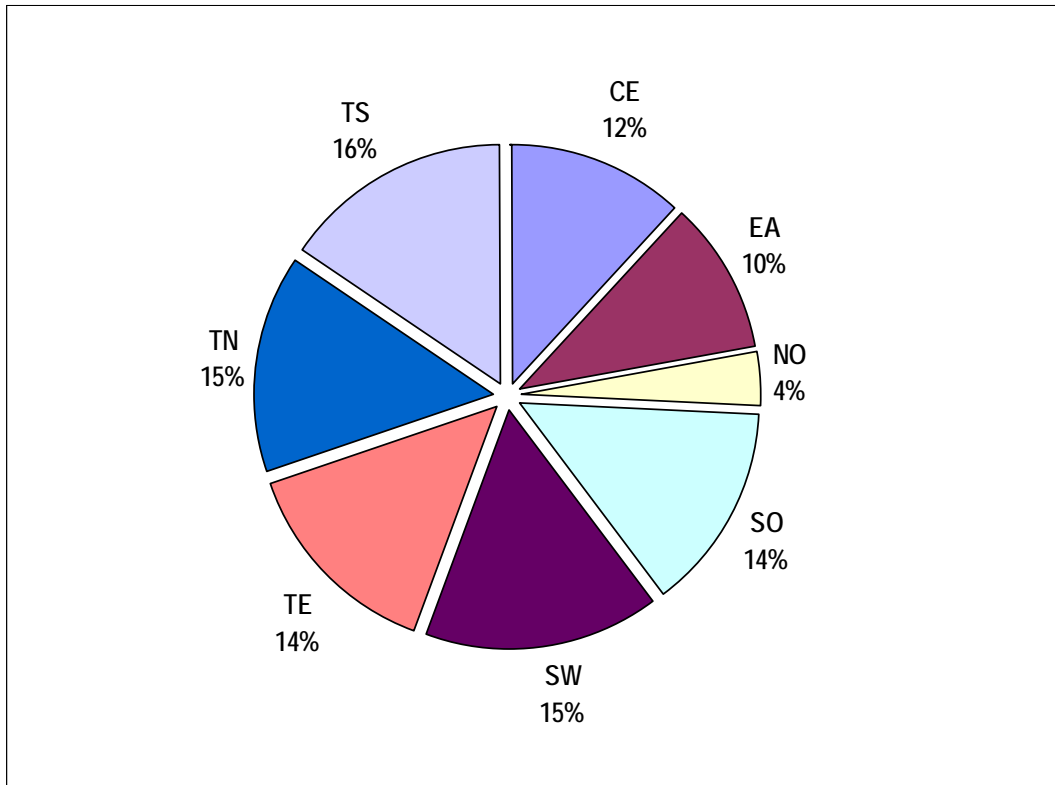
### Applications

During the 2005-2006 fiscal year, the Tribunal received 81,000 applications and resolved 87,977. (Because the Tribunal resolves re-opened mediation and set-asides, some applications may generate more than one resolution.)

The distribution of application receipts for the 2005-2006 fiscal year, are reflected in the following profile:



The regional distribution of applications is as follows:



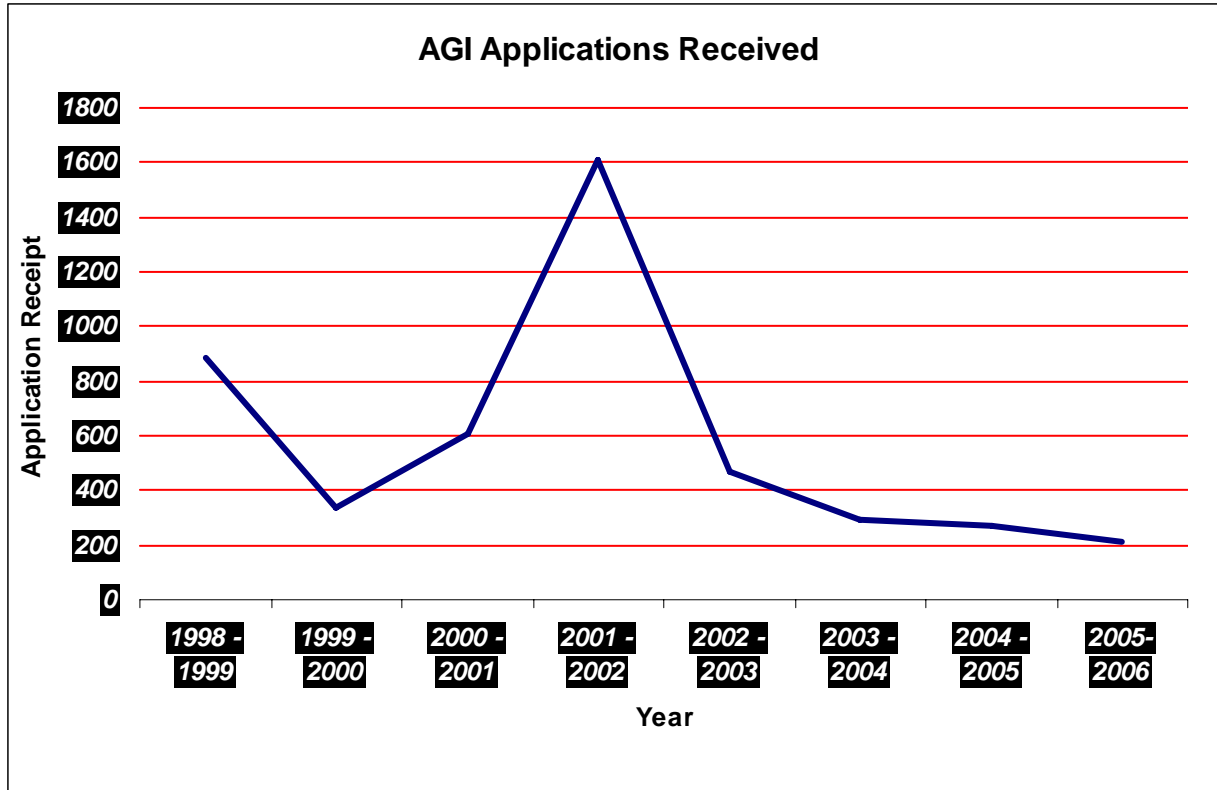
**CE** refers to Central; **EA** to Eastern; **NO** to Northern; **SO** to Southern; **SW** to Southwestern; **TE** to Toronto East; **TN** to Toronto North; and **TS** to Toronto South

Eviction applications have by far been in the majority since the Tribunal began in 1998. This year, the trend has continued. Of the total applications received by the Tribunal, 82 per cent were for termination of tenancies because of arrears of rent. This is slightly up from 74.64 per cent last year. Tenant applications accounted for 9 per cent of the applications filed during this fiscal year. This is up very slightly from 8 per cent last year.

### **Above Guideline Rent Increase Applications**

An average of 251 applications for above guideline rent increases were received each year under the *Rent Control Act*. Under the *Tenant Protection Act*, during the first year of Tribunal operations, 887 applications for above guideline rent increases were received. In the fiscal year 2000-2001, 608 applications were received. During fiscal year 2002-2003, only 471 above guideline rent increase applications were received, a substantial decrease from the previous fiscal year 2001-2002 where the Tribunal received 1608. The increase for fiscal 2001-2002 in above guideline rent increase application receipts was mainly the result of landlords experiencing an extraordinary increase in the cost of utilities, specifically a spike in gas prices. During the fiscal year 2004-2005, 274 applications were received, slightly down from fiscal 2003-2004 where the Tribunal received 292 applications. During the fiscal year, 2005-2006, 209 applications for Above Guideline Increases were received which continues this downward trend.

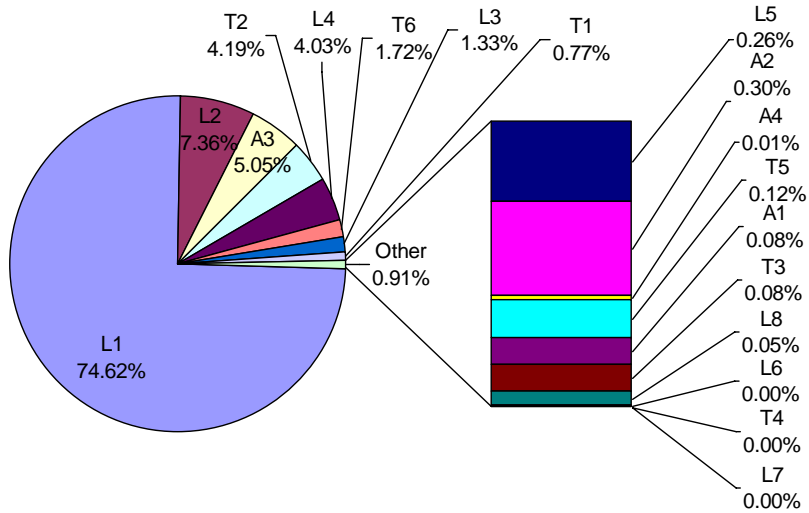
Above guideline rent increase applications continue to take a disproportionate amount of time both for adjudicators and staff. These applications continue to make up less than 1 per cent of the total applications received, and account for 20 per cent of the Tribunal's time.



Mediation is helping us with this workload, although we continue to look for other ways to increase our efficiency and speed up the resolution process.

The chart on the following page shows the distribution of the Tribunal's workload, by type of application and disposition method (default or hearing). This does not include mediated settlements.

### Workload for Fiscal 2005/2006 Distribution of Application Receipts

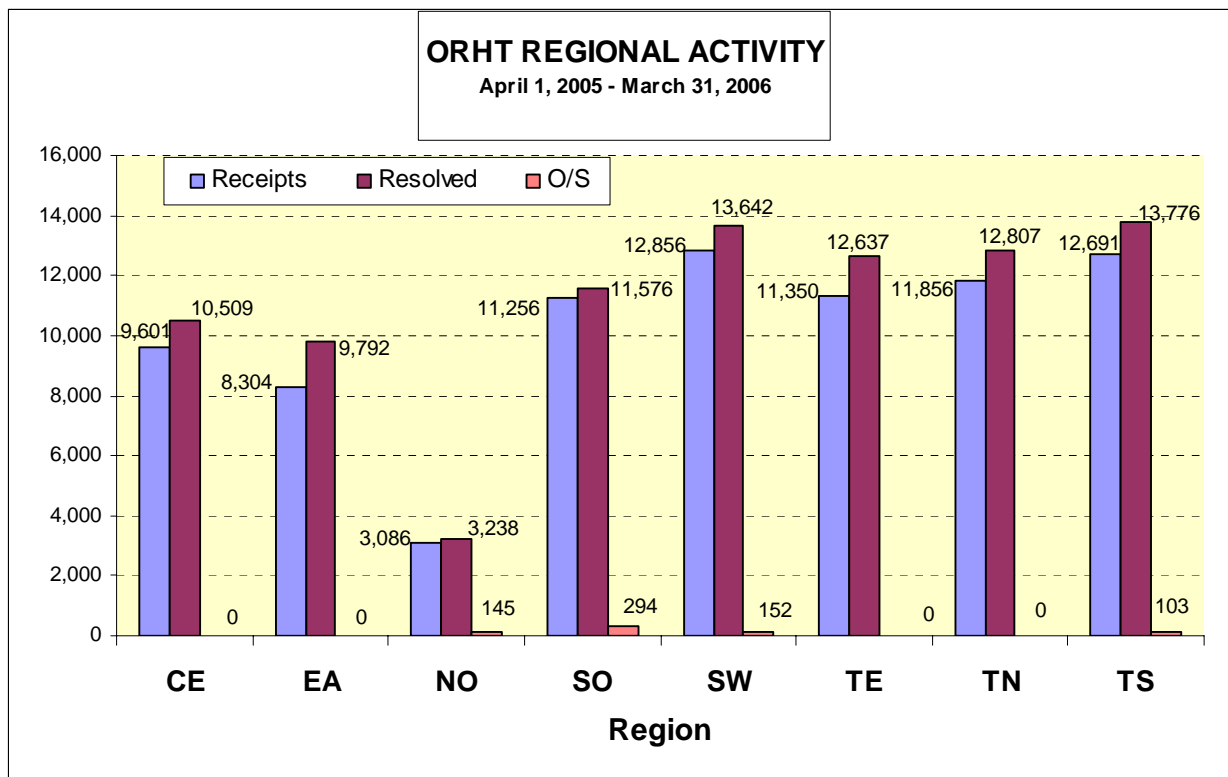


Case Type		# Cases	#Defaults	#Hearings
L1	L1 - Term. and Non-Payment of Rent	60,446	29,697	22,170
L2	L2 - Terminate Tenancy & Evict	5,969	852	3,678
A3	A3 - Combined Application	4,094	402	2,977
T2	T2 - Tenant Rights	3,391	1	2,442
L4	L4 - Term. Tenancy: Failed Sttlmnt.	3,268	2,672	1,080
T6	T6 - Maintenance	1,397	0	948
L3	L3 - Term. Tenant. gave Notice	1,077	733	394
T1	T1 - Rebate	620	30	399
L5	L5 - Rent Increase above Guidelines	209	0	229
A2	A2 - Sublet or Assignment	245	31	174
A4	A4 - Vary Rent Reduction Amount	9	0	75
T5	T5 - Bad faith Notice of Term.	99	0	99
A1	A1 - Determine Whether Act Applies	67	0	45
T3	T3 - Rent Reduction	68	0	46
L8	L8 - Tenant Changed Locks	38	0	29
L6	L6 - Review of Prov. Work Order	3	0	5
L7	L7 - Transfer Tenant to Care Home	0	0	0
T4	T4 - Failed Rent Incr above Guide.	0	0	0
		<b>81,000</b>	<b>34,418</b>	<b>34,790</b>

### Application Resolution

The Tribunal strives to resolve applications expeditiously. The Tribunal's goal is to maintain only one month's receipts as open files. Once again this fiscal year, we have been successful in achieving this goal. Most orders are issued within 20 days of filing the application and more complex orders are issued within 25 days.

The chart below indicates that receipts and resolutions remained constant during the year.



**CE** refers to Central; **EA** to Eastern; **NO** to Northern; **SO** to Southern; **SW** to Southwestern; **TE** to Toronto East; **TN** to Toronto North; and **TS** to Toronto South

### **Tribunal Locations**

The Ontario Rental Housing Tribunal has eight regional offices which do a full range of business across the province where landlords and tenants can file applications, have their questions answered by a customer service representative, and attend hearings.

Most of the Tribunal's hearings are held in regional offices located in the following areas:

- London
- Hamilton
- Mississauga
- Toronto South (Downtown area)
- Toronto North (North York area)
- Toronto East (Scarborough area)
- Ottawa
- Sudbury

The Tribunal also held hearings at our Client Service Office in the city of Windsor. However in spring of 2006 the Windsor office moved to a new location joining our Service Ontario partners. The Windsor office has now become a Co-locate. (Please see the following page for more information regarding Co-locations).

### **Alternative Service Delivery**

The partnership with other governmental bodies such as the one with the Ministry of Consumer and Business Services to deliver services to the public proves to be very positive. This way, the public is provided with convenient access to government services and information. The Ontario Rental Housing Tribunal has also benefited through the affiliation with a service network to serve its clients in less populated areas.

At Ontario Rental Housing Tribunal Service Ontario/Government Information Centre Co-locations, landlords and tenants can file applications, and have their questions answered by a customer service representative. The co-locations are located in the following areas:

Barrie	Kingston	Thunder Bay
Kitchener	Owen Sound	Whitby
Peterborough	St. Catharines	Windsor

At Service Ontario/Government Information Centres, landlords and tenants can file applications and supporting documents. Staff of these centres cannot answer questions about the rights and obligations of tenants and landlords under the *Tenant Protection Act*; they can, however, accept applications on behalf of the Tribunal and provide access to information pamphlets and application forms. The Tribunal uses the services of the following Service Ontario/Government Information Centres:

Atikokan	Aurora	Bancroft	Barrie
Belleville	Blind River	Brampton	Brockville
Chapleau	Chatham	Cochrane	Cornwall
Downsview	Dryden	Elliot Lake	Espanola
Fort Frances	Geraldton	Gore Bay	Guelph
Hawkesbury	Hearst	Huntsville	Ignace
Iroquois Falls	Kapuskasing	Kenora	Kingston
Kirkland Lake	Kitchener	Lindsay	Marathon
Minden	Moosonee	New Liskeard	Nipigon
North Bay	Oakville	Owen Sound	Parry Sound
Pembroke	Peterborough	Rainy River	Red Lake
Renfrew	Sarnia	Sault Ste. Marie	Simcoe
Sioux Lookout	St. Catharines	Stratford	Sturgeon Falls
Thunder Bay	Timmins	Wawa	Whitby

Statistically the Service Ontario/Government Information Centre Processing Unit receives on average 230 applications per month in total from the above listed locations. These office locations provide our clients with convenient access to government services, particularly in Northern Ontario. The Tribunal has been able to reduce operating costs through the use of the full Service Ontario/Government Information Centre Network.



### **Call Centre**

The Tribunal has a virtual call centre for handling customer inquiries. There is a toll-free number for callers who live outside Toronto (1-888-332-3234); and, in the Greater Toronto area the number is 416-645-8080. Customer service representatives are available during normal business hours. An extensive telephone script answers frequently asked questions 24 hours a day, 7 days a week. This year, the Tribunal responded to approximately 552,965 telephone calls. After hours and on weekends, a toll-free number is also available for faxing time sensitive documents and for ordering any of the Tribunal's public education brochures. These brochures are available in English and French. Selected brochures on the most important topics are available in seven other languages: Portuguese, Italian, Chinese, Punjabi, Polish, Tamil and Spanish.

The call centre employs the appropriate technology which has improved province-wide service delivery. The call centre of the Ontario Rental Housing Tribunal, apart from serving the public was also chosen to help the Government in handling telephone responses in other consultations (for example, in the Ministry's Residential Tenancies consultation; the Greenbelt consultation; the COMRIFF fund of Rural Affairs; and the Ministry of Labour new temporary help line for new inspectors).

### **E-government**

The Tribunal's website ([orht.gov.on.ca](http://orht.gov.on.ca)) is visited almost one million times each month. Our website is easily accessible to disseminate information to all of our clients. Clients can find information on our website about the progress of their application, the date of the hearing and whether an order has been issued. As well, all Tribunal forms and pamphlets, information on members, complaint procedures, relevant legislation, and rules and guidelines can be retrieved on line.

The Tribunal continues to take a phased approach to comply with the Government's commitment to multi-channel service delivery. The first phase allowed clients to inquire online on the status of their application; the second phase allowed for the scanning, interpretation and processing of applications; and the third phase allowed for a large majority of applications to be

processed through teleform. The Tribunal continues to work towards enhancing its quality service for clients.

### **French Language Services**

The Tribunal is committed to providing services in both official languages in accordance with the *French Language Services Act*. In designated areas, a completely fluent adjudicator will provide French hearings and orders will be translated where requested. All offices in designated areas have bilingual staff available for our French-speaking clients and staff are available at Service Ontario/Government Information counters who are able to provide services in each of the official languages.

## ORDER SUMMARIES

### Landlord Application

### Subsection 138(6)

The landlord applied for an order to increase the rent charged by more than the guideline because they had done capital expenditure work in the residential complex.

In the application, the landlord claimed four capital expenditure items totalling \$64,385.69:

1. Parking lot replacement in the amount of \$38,092
2. Fire alarm retrofit in the amount of \$18,955.05
3. Replacement of the garbage envelope in the amount of \$6,199.09, and
4. Landscaping work in the amount of \$1,139.55.

After considering the evidence and submissions, the Tribunal allowed the landlord's claims for the parking lot replacement and fire alarm retrofit, but not for the replacement of the garbage envelope or the landscape work.

In order to be considered in an application, a capital expenditure item must be completed within the 18-month period that ends 90 days before the first effective date of the first intended rent increase applied for in the application. The 18-month period for this application was from November 3, 2003 to May 3, 2005. Since the contractor's invoice indicated that the replacement of the garbage envelope was completed on October 3, 2003, the Tribunal found that this capital expenditure item could not be considered. With respect to the landscaping work, the Tribunal found that the work claimed was "maintenance work" and did not qualify as a capital expenditure item.

Based on the two allowed capital expenditure items, the landlord justified an increase of 0.84%. An order was issued permitting the landlord to increase the rent charged by 0.84% above the guideline.

### Tenant Application

### Section 35

The tenant applied for an order determining that the landlord harassed him, entered the rental unit illegally, changed the locking system for the unit without providing the tenant with a replacement key and interfered with the tenant's reasonable enjoyment.

The tenant moved into a basement unit in a house. After a while, the tenant began to suspect that the landlord was entering the rental unit while he was at school. To address the situation, the tenant posted a note on an internal door within the tenant's unit asking the landlord to stop entering the apartment uninvited. Upon discovering the note, the landlord became angry and gave the tenant notice to move out. The tenant agreed to move out at the end of January 2006.

The tenant found a new apartment in the area and gradually started moving his belongings to the new location. On January 30<sup>th</sup>, 2006, the tenant went to the rental unit to remove the last of his possessions. When he arrived, however, the tenant discovered that the screen door was locked. The tenant was unable to access his unit because the door to which the tenant had a key was behind the screen door. The tenant returned to the unit to recover his property on February 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> but was unsuccessful, as the screen door remained locked. On February 6<sup>th</sup>, the tenant attended the premises with the police; the landlord refused to cooperate with the officers and refused to return the tenant's property.

At the hearing, the landlord claimed that the tenant was lying. The landlord stated that he did not change the locks to the rental unit until early February, and that he did not start locking the screen door until February 1<sup>st</sup>. The landlord denied having kept any of the tenant's personal belongings.

After considering the evidence of both parties, the Tribunal found the tenant's case was more persuasive. The tenant and his witnesses were sincere and straightforward. The tenant had submitted pictures that showed his belongings were in the landlord's possession well after the end of the tenancy. In contrast, the Tribunal found the landlord's testimony evasive. The landlord's credibility was further undermined by his lack of cooperation with the police.

The Tribunal found that the landlord changed the locking system, by locking the screen door prior to the end of the tenancy. An order was issued requiring the landlord to pay the tenant \$1,934 to compensate the tenant for his lost belongings, plus an additional \$200 for the tenant's reasonable out of pocket expenses.

**Tenant Application**

**Section 35**

The tenants applied to the Tribunal for an order determining that the landlord gave a notice of termination in bad faith.

The tenants rented a single-family detached home from the landlord. During the tenancy, the landlord approached the tenants and inquired whether it would be possible for his son to move into the basement and in exchange, the landlord would reduce the tenants' rent. The tenants were not comfortable with this arrangement, and refused. Subsequently, the landlord served the tenants with written notice that he wished to terminate the tenancy because his son would be moving into the rental unit when the lease expired. The tenants made arrangements to move to another home, two doors away.

In support of their application, the tenants submitted evidence to show that shortly after they made arrangements to move, the landlord began placing ads in the newspaper to rent the home. After the tenants moved out, the upper floor of the home was rented to two women. As of the hearing date, more than 21 months had passed since the landlord served the tenants with notice, and the landlord's son still had not occupied any part of the home. In dispute of the tenants' application, the landlord argued that his son still had every intention of moving into the basement.

The Tribunal found that the "rental unit" was the *entire* home and the landlord could not give notice for personal use for just part of the rental unit. The Tribunal also found that the landlord's son failed to occupy the rental unit within a reasonable period of time after termination. For these reasons, the Tribunal concluded that the landlord served a notice of termination in bad faith. An order was issued requiring the landlord to pay the tenants a total of \$1,670.50 for their increased rent, moving expenses, and legal fees.

**Tenant Application**

**Section 144**

The tenant applied to the Tribunal for an order determining that the landlord unlawfully retained the money she had paid for November's rent.

The tenant was renting the apartment on a monthly basis. On October 3, 2005, the tenant gave the landlord written notice that she would be vacating on November 15<sup>th</sup>. Both parties acknowledged that the tenant's notice did not comply with the legislative requirements in that it

did not give the landlord 60 days notice. The tenant moved out of the unit on October 29<sup>th</sup> and returned the keys to the landlord on November 1<sup>st</sup>.

On or about November 3, 2005, the landlord re-rented the tenant's unit to a family whose home had been damaged or destroyed in a recent fire. The tenant argued that since the unit was re-rented, the landlord should return the \$500 that she had paid for November's rent. In dispute, the landlord claimed that he should not have to repay the tenant because the arrangement he had made with this family was a short-term arrangement. In addition, there were three other vacant units in the complex that the landlord could have rented to the family.

The Tribunal found that although the tenant's notice was insufficient, the landlord had a responsibility to mitigate his losses by re-renting the unit as quickly as possible. Since the landlord received rent from another family for the tenant's unit, the tenant was relieved of her obligation to pay for November's rent. The tenant could not be required to continue to pay rent for a rental unit that was lawfully rented to someone else. An order was issued requiring the landlord to reimburse the tenant \$500.

### **Tenant Application**

### **Section 35**

The tenant owned a mobile home and rented a site in the landlord's mobile home park. The tenant applied for an order determining that the landlord illegally entered the tenant's unit, that being the mobile home site, for the purpose of disposing of the tenant's property.

The tenant's son lived in the mobile home until it was destroyed by a fire in December 2004. In July 2005, the landlord sent the tenant a notice by registered mail. The notice informed the tenant that the landlord would be hiring a contractor to remove the debris left by the fire from the site. The landlord claimed that the debris posed a threat to public health and safety, especially to any children living in the immediate area. On September 13, 2005, a contractor came and removed the remains of the mobile home.

At the hearing, the tenant confirmed that he received the written notice from the landlord. The tenant explained that he did not take any steps to remove his property, because he felt the landlord would not proceed since the landlord had not complied with section 111 of the *Tenant Protection Act* (the Act). This section requires that before disposing of an abandoned mobile

home, a landlord must notify the tenant of his intention to do so *and must publish a notice in the local newspaper*. Since the landlord did not publish a notice in the local paper, the tenant argued the landlord was not entitled to dispose of the mobile home.

In considering the evidence, the Tribunal noted that section 111 only applies if the tenant has vacated as a result of: a notice of termination, an agreement to terminate the tenancy, or an order from the Tribunal terminating a tenancy. Since the tenant did not vacate the mobile home for any of these reasons, the Tribunal found that section 111 of the Act did not apply to this situation.

The Tribunal found that the landlord disposed of the debris from a fire that the tenant refused to deal with, even after being given a formal request to do so. The tenant had from July 8, 2005 to September 13, 2005 to salvage anything of value from the site, but the tenant did not do so. The Tribunal found that the landlord's motivation to protect the general public from a health and safety hazard was not a breach of the Act. The tenant's application was dismissed.

**Landlord Application**

**Subsection 86(1)**

The landlord applied for an order to terminate the tenancy because the tenant did not pay the rent that she was required to pay for the period from July 1, 2005 to September 30, 2005. The tenant disputed the application on the grounds that the landlord was in serious breach of its maintenance obligations. The tenant and the tenant's common-law spouse had informed the landlord of outstanding maintenance issues starting in June of 2005. Children's Aid also wrote to the landlord's agent about the outstanding maintenance issues. The Protection Worker indicated that the lack of repair was so severe that it created a dangerous situation for the tenant's two children.

After considering the evidence, the Tribunal found that the landlord was in serious breach of its responsibilities and as a result, refused to terminate the tenancy despite the fact that the tenant was in arrears of rent. An order was issued requiring the tenant to pay the landlord the arrears of rent owing up to September 30, 2005.

**Landlord Application**

**Section 81**

The landlord applied for an order to evict the unauthorized occupants who were living in the rental unit, and for compensation for the use of the unit.

The landlord claimed that the tenant vacated the rental unit on or about September 7, 2005. Two days later, the landlord discovered two occupants living in the rental unit. When the occupants refused to leave, the landlord called the police. The landlord could not, however, recall the exact date that the call was made.

The occupants testified that the landlord showed them the rental unit on or about September 2, 2005 and agreed to enter into a tenancy agreement with them starting September 15<sup>th</sup>. The occupants paid the landlord a deposit in the amount of \$100, for which they had a receipt that was signed by the landlord. The occupants further testified that they gave the landlord another \$350 on September 13<sup>th</sup>, after which the landlord gave them the keys to the rental unit. On September 17<sup>th</sup>, the landlord discovered that the occupants had dogs living with them in the rental unit. Upon making this discovery, the landlord became upset and called the police.

The Tribunal found that the landlord failed to establish, on a balance of probabilities, that the occupants were not authorized to live in the residential unit. The evidence, including the receipt, indicated that the landlord and the occupants had entered into a tenancy agreement with respect to the rental unit. Since the parties had entered into a tenancy agreement, the 'occupants' were, in fact, 'tenants' within the meaning of the Act. An order was issued dismissing the landlord's application.

### **Landlord Application**

### **Section 69**

The landlord applied for an order to terminate the tenancy and evict the tenants because they committed an illegal act on the premises. The tenants reside in a residential complex which consists of two buildings.

There are three tenants named on the lease. Tenant A was charged and convicted with being in possession of an unlicensed 9mm handgun and assaulting a police officer. The illegal acts did not occur in the building where the tenants lived, but in the second building that also forms part of the residential complex.

At the time of the hearing, the only tenant continuing to reside in the rental unit was Tenant B. Tenant C had vacated and Tenant A had a probation order against him which prevented him from accessing the building.



The lawyer for Tenant B argued that since the illegal act was committed by Tenant A and there was no evidence that Tenant B participated in the illegal acts, the application should be dismissed. The landlord counter-argued that the tenants as a group constituted the tenancy and that they could not be separated.

The Tribunal found that the tenancy consisted of three tenants. Since there was one lease for all three parties, the three could not be separated into individual tenancies. On a balance of probabilities, the Tribunal concluded that a tenant of the rental unit committed an illegal act in the residential complex. An order was issued terminating the tenancy. Taking into consideration the fact that Tenant B had two young children and would need time to relocate the Tribunal ordered that the eviction should be delayed.

### **Landlord Application**

### **Subsection 72(10)**

The landlords applied to the Tribunal for an order terminating the tenancy because the tenants were in arrears of rent. An eviction order was issued, with a provision that allowed the tenants to void the order by paying \$3,577 on or before January 31, 2006.

The tenants filed a motion to void the eviction order, claiming that they had made the necessary payments. As a result, an order voiding the eviction order was issued, without notice to the landlords and without holding a hearing. Subsequently, the landlords filed a motion to set-aside the order to void, claiming that they did not receive full payment by January 31, 2006.

At the hearing, the landlords testified that as of January 31, there was still \$1,500 owing. The landlords checked their mailbox several times on that day but no further payments were received. Mid-morning on February 1, 2006, the landlords discovered that the tenants had placed an envelope in their mailbox. The envelope contained a money order in the amount of \$1,000 and a cheque in the amount of \$500. Documentary evidence showed that the cheque cleared the bank on February 10, 2006.

The tenants argued that they placed the envelope in the landlords' mailbox on January 31, 2006. In the event that the landlords' motion was to be allowed, however, the tenants asked the Tribunal to grant them relief from eviction due to the fact that the tenants have five children, and their only source of income was from disability and support payments.

Based on the balance of probabilities, the Tribunal found that the tenants did not put the envelope in the mailbox until February 1, 2006 and that the cheque did not clear the bank until February 10<sup>th</sup>. Because the payment was not made in full by January 31, 2005, the Tribunal concluded that the tenants did not make the payments required to void the order. With respect to the tenants request for relief from eviction, the Tribunal found that it did not have the authority to consider granting relief from eviction in this case. Since the tenants did not make the required payments, the original eviction order stands. The Member who issued the original eviction order already considered the question of relief from eviction, and had granted the tenants a further two-month grace period to come up with the arrears. The Tribunal could not revisit this issue again.

The landlords' motion to set aside the order to void was granted. The original eviction order was returned to full force and effect.

### **Tenant Application**

### **Subsection 7(2)**

The tenants applied for an order to determine whether the Act applies to their rental unit. Since 1969, the tenants have been renting a two-storey farmhouse on 70 acres of land. From 1969 to 1996, the tenants used this land to farm horses and cattle and to crop hay. From 1998 to 2004, the tenants leased the land to local farmers at the same rate as the tenants paid to the landlord.

The tenants had signed a lease with the landlord which provided that they would pay a yearly rent for each acre of leased land, plus an aggregate annual rent for the buildings located on the land. The lease stated that it was deemed not to be a residential lease and therefore was not subject to the *Landlord and Tenant Act* or any successor Acts. The lease further stated that the use of the premises was for the purpose of the operation of a farm.

The Tribunal found that the premises have been occupied predominately for agricultural purposes with living accommodation attached. The occupancy for both purposes was under a single lease and the same person occupied the premises and the living accommodation. The Tribunal found that the relationship between the landlord and tenants was exempt pursuant to section 3(j) and therefore, was not covered by the *Tenant Protection Act*.

### **Landlord Application**

### **Section 69**

The landlord applied for an order to terminate the tenancy because the tenant had been persistently late in paying the rent from November 1, 2004 to April 1, 2005.

The tenant lived in the rental unit for over 31 years. The tenant did not dispute the fact that rent payments were made late during the period claimed by the landlord. The tenant pointed out, however, that there were no arrears owing. In his defence, the tenant explained that he suffers from a neurological disorder which weakens his nerves and muscles and that he suffered from this disorder more notably during the period claimed in the application. The tenant submitted that his lateness in paying rent was attributable to this disorder.

The Tribunal found that the tenant was persistently late in paying his rent to a level that, if no other relevant factors existed, would normally lead to an order granting the landlord's application. In this case, however, the tenant suffered from a neurological disorder which contributed to his persistent lateness. Where a tenant suffers from a disability, the Tribunal has an obligation to consider the *Human Rights Code* (the Code). Under the Code, the duty not to discriminate includes an obligation to accommodate people with a disability, unless this would cause undue hardship. The landlord did not provide any evidence to suggest that it would be an undue hardship for the landlord to permit periods of lateness, given the tenant's disability. Even if the Code was not a factor in its decision, the Tribunal found that it would not have granted the landlord's application, given the unfairness of terminating a 31-year tenancy for a relatively brief period of lateness. An order was issued dismissing the landlord's application.

### **Tenant Application**

### **Section 34**

The tenant applied for an order determining that the landlord failed to meet his maintenance obligations.

The tenant claimed that the water supply to the rental unit was inadequate and intermittent from December 2004 to July 2005. Although there were times when the water supply was sufficient, there were many occasions where the tenant was unable to use the kitchen and bathroom facilities. The tenant informed the landlord of the water supply problem in December 2004, and provided additional verbal notices in the months that followed. The landlord failed to address the problem, so the tenant contacted the municipal property standards department. Upon an

inspection of the rental unit by a Property Standards Officer, the landlord was ordered to improve the supply of potable water to the rental unit.

In his defence, the landlord explained that he inspected the rental unit on three occasions in January and February. During the inspections, the supply of water appeared to be adequate. In addition, the landlord had not received any complaints about the supply of water from any other tenant in the complex. Not believing that a problem existed, the landlord did not take any steps to correct the problem until he received the work order from the city. The repairs to the water supply were completed in July 2005.

The Tribunal found that the landlord failed to meet his obligations to maintain the rental unit by failing to provide the tenants with an adequate supply of water from December 2004 to July 2005. An order was issued requiring the landlord to pay the tenant a rent abatement of \$1,300.

## BIOGRAPHIES

### **CHAIR**

#### **Dr. Lilian Ma.** *June 1, 2005*

Dr. Lilian Ma, was a member of the Refugee Protection Division of the Immigration and Refugee Board of Canada from 1994 – 2005. Her 18-year public sector career includes a variety of prestigious positions: member of the Liquor Licence Board of Ontario; chief of the Public Education Division of the Race Relations Directorate of Multiculturalism Canada of the Secretary of State from 1988 to 1989; and commissioner for the Ontario Human Rights Commission from 1986 to 1988.

Dr. Ma earned a law degree from the University of Toronto (1992), a Doctorate in Chemistry from Simon Fraser University (1971) and a Bachelor of Science degree from the University of Hong Kong (1967). She has published widely in science and law.

Dr. Ma is a member of the Law Society of Upper Canada and the Canadian Bar Association and sat on its Racial Equality Implementation Committee from 2000 to 2004. She was a founding director and held several board positions on the Chinese Canadian National Council from 1980 to 1994, and was a founding director of the National Organization of the Immigrant and Visible Minority Women of Canada from 1986 to 1988. She is also a member of the Board of Directors of the Council of Canadian Administrative Tribunals and was the conference co-chair for its 22<sup>nd</sup> annual conference in Ottawa, June 2006.

### **INTERIM CHAIR**

#### **Beverly Moore** *(September 1, 2004 – May 31, 2005)*

Beverly Moore graduated from Sir Wilfred Laurier University with a Bachelor of Arts degree. She later graduated from the law clerk program at Fanshawe College. Ms. Moore spent 12 years working in community legal clinics. Before coming to the Tribunal, Ms. Moore served as a vice chair with the Social Assistance Review Board.

## **VICE CHAIRS**

### **Elizabeth Beckett**

Elizabeth Beckett, a graduate of Osgoode Hall Law School, has spent much of her professional life in the teaching profession. Prior to taking up her position at the Ontario Rental Housing Tribunal she was a part-time professor of Law at Sheridan College and for the past ten years has taught Business Law for Canadian General Accountants. Ms. Beckett brings with her experience gained as an adjudicator to the Boards of Inquiry for the Human Rights Commission.

### **Eli Fellman**

Eli Fellman holds an Honours Degree in Political Science from Trent University, pursued graduate studies at Carleton University and attained a Bachelor of Laws Degree (LL.B.) at the University of Ottawa. Prior to his appointment to the Tribunal as an adjudicator, he was a policy analyst at the federal Department of International Trade in Ottawa. Subsequent to his call to the Ontario bar in 2002, he practiced international trade and customs law in Toronto.

### **Régent Gagnon**

Mr. Gagnon is a graduate of Le Moyne College in Syracuse, N.Y. (B. Sc. Humanities, 1963). He worked in public and private sector organizations in all facets of Human Resources Management until 1985 when he founded his own HR consulting firm. As a recognized expert in HR, Mr. Gagnon was invited to teach HR courses at Carleton and Ryerson Universities. Prior to his appointment to the Ontario Rental Housing Tribunal, Mr. Gagnon served as a part-time member of the Assessment Review Board from 1993 to 1999. In addition, he was a member of the Planning Advisory Committee for Clarence Township and of the Board of Directors of the Ottawa Personnel Association and the Big Sisters of Ottawa-Carleton.

### **Charles Gascoyne**

Charles Gascoyne graduated from the University of Windsor with a Bachelor of Arts degree in 1983 and a Bachelor of Laws degree in 1986. Mr. Gascoyne is a member of the board of directors of the Essex Law Association and a number of other local community groups.

**Murray Wm. Graham**

Murray Wm. Graham graduated from York University in 1970 with a Bachelor of Arts degree and from Osgoode Hall Law School in 1973 with a Bachelor of Laws degree. After his call to the Bar in 1975, he practised law in the City of Toronto until 1989. From 1990 to 1998, Mr. Graham was a legal and administrative consultant to corporations in the transportation, waste management and environmental research and development industries.

**Guy Savoie**

Guy Savoie has held numerous Senior Management positions within both the Financial and Business sectors for the past 17 years. Since 1990 Guy is also a Professor at Seneca College teaching a diverse business subject portfolio within the undergraduate and post diploma business and marketing programs.

**ADJUDICATORS**

**Joseph A. Berkovits**

Joseph A. Berkovits graduated from York University with an Honours B.A. majoring in History and English, and an M.A. and a Ph.D. in History from the University of Toronto. He received a law degree from the University of Toronto, articulated at the Ontario Ministry of the Attorney General and in 2004 was called to the Bar of Ontario.

**Elizabeth Brown**

Elizabeth Brown is an Honours graduate of Humber College in Business Administration. Ms. Brown was a small business owner for a number of years before being elected first to City of Etobicoke Council in 1991 where she served two terms, and then to City of Toronto Council in 1998.

**Enza Buffa**

Vicenzina Buffa of Toronto served as a Customer Relationship Management Reporting Analyst in the private sector for a world-class call center whose client is primarily Ford Motor Company. Ms. Buffa was dedicated to this company for six years where she used her communication and conflict resolution skills on a daily basis with many internal and external

clients. She is a certified internal ISO auditor and has also held various positions during her term, such as Workforce Planning and Management and Payroll Administrator.

**Kim Bugby**

Kim Bugby graduated from the University of Western Ontario with a Bachelor of Arts Degree in Psychology as well as from Loyalist College with a Diploma in Developmental Services. Ms. Bugby has extensive experience in community and social services for children, youth and adults including social assistance, housing, education and rehabilitative case management. Most recently, Ms. Bugby was employed as a Community Support Coordinator providing services to persons diagnosed with a serious mental illness.

**William Burke**

William Burke was employed for 17 plus years in the Municipal sector before joining the Tribunal. Mr. Burke was involved in aspects of Municipal Standards, Building Inspections and Law Enforcement during those years. He continues to be a member of the Ontario Association of Property Standards Officers and served on the Board of Directors of that Association from 2003 –2006 which post he resigned shortly after joining the Tribunal.

**Richard Corcelli** *(resigned April 1, 2005)*

Richard Corcelli spent many years with 3M Canada in sales and management before moving to Muskoka 30 years ago where he operated his own automotive/industrial supplies business for 14 years. Following that, he worked as a sales and parts counterman trainer for both DuPont Canada and Georgian College. He was an elected Councillor for the Town of Gravenhurst where he chaired the Development Services Committee and the District of Muskoka where he chaired the Public Works and Engineering.

**Paul De Buono** *(resigned January 12, 2006)*

Paul De Buono obtained a master's degree in 1994 from Texas A&M University and a law degree in 1999 from Osgoode Hall Law School of York University. He worked for the Toronto District School Board and recently with the Durham Children's Aid Society, including a private practice focused mainly on family law.



**Susan Ellacott**

Susan Ellacott is a resident of the Ottawa region and served in the departments of International Trade, Consumer and Corporate Affairs, Natural Resources, and the Prime Minister's Office. In addition, she completed the Executive Leadership Course at the Canadian Centre for Management Development, received the Canada 125 Award for contributing to the community, and the federal public service Distinctive Service Award in recognition of support to the science and technology community. Ms. Ellacott graduated from Brookfield High School and received her diploma in Business Administration from Algonquin College.

**Nancy Fahlgren**

Nancy Fahlgren comes to the Tribunal with over 10 years experience in administering rental housing legislation. Professional highlights include: serving as acting chief rent officer under Rent Control Programs, adjudicating issues governed by previous housing legislation, and mediating landlord and tenant rental matters. Ms. Fahlgren studied science and languages at Nipissing University and the University of Toronto.

**Suzy Franklyn (Part-Time)**

Ms. Franklyn graduated from Cambrian College of Applied Arts and Technology, Law Clerk program in 1991. Ms. Franklyn has been in private practice, specializing in Real Property Law and Conveyancing since 1991. Suzy recently served as Property Administrator with the City of Greater Sudbury and has held various administrative positions in the past.

Ms. Franklyn graduated from York/Laurentian University's Alternative Dispute Resolution program in 1998, with a specialization in Family Mediation. As an accredited mediator and a recognized expert in the field of A.D.R., Suzy has achieved accreditation status from both the Ontario Association of Family Mediation and Family Mediation Canada.

**Dan Helsberg (Part-Time)**

Henry Daniel Helsberg, of Lively, is a self-employed financial consultant. Prior to this, Mr. Helsberg was a real estate salesperson for seven years, selling residential and commercial properties in the Sudbury area. Mr. Helsberg has a Master of Arts, Economics from the University of Guelph and has completed Ph.D. course work in Urban and Regional Planning at the University of Waterloo.

**Sean Henry**

Sean Henry is a graduate of the University of Toronto (B.A. Honours), York University (M.B.A.) and Queen's University (LL.B). Mr. Henry carried on a criminal and family law practice before becoming an adjudicator with the Social Benefits Tribunal. Mr. Henry then worked as a senior policy analyst with the OMERS Pension Plan and after that as a policy advisor of the Ministry of Municipal Affairs and Housing.

**Elki Homsy**

Elke Homsy is an experienced adjudicator, who served as a member of the Immigration & Refugee Board for over 11 years before being appointed to the Ontario Rental Housing Tribunal. Elke was educated in Germany and immigrated to Canada in 1968.

**David Hutcheon** *(term ended February 16, 2006)*

David Hutcheon served as Vice Chair of the Environmental Review Tribunal from 1999 to 2002 and spent ten years in provincial and municipal government during which time he served as Deputy Mayor, Budget-Chief, and executive council member on Toronto City Council. Mr. Hutcheon was a Commissioner on the Toronto Harbour Commission and a Director of the Runnymede Chronic Care Hospital. He is a recipient of the Canadian Institute of Planners' S. George Rich 1998 award, and the Commemorative Medal for the 125<sup>th</sup> Anniversary of the Confederation of Canada. Mr. Hutcheon has a Master of Public Administration degree from the University of Western Ontario and an Honours Bachelor of Arts degree in History from Rutgers University, New Jersey U.S.A. He is a Henry Rutgers Scholar.

**Linda Joss (Part-Time)**

Linda Joss commenced her career in the pioneer days of child care work, graduating from Thistletown Hospital in 1961. Mrs. Joss spent ten years in the child care field, supervising programmes for emotionally disturbed children, and working for the Children's Aid Society. After this she joined Metro Toronto's Community Service Department as a manager of hostels. During twenty five years with Community Services, Mrs. Joss managed and developed programs in Metro's four major hostels, including the opening of two new large facilities. During this time Mrs. Joss was a long term member and chair of the Centennial College Social Service Worker Advisory Board and an Advisory Board member participating in the creation of a new management course for social service staff at George Brown College. Mrs. Joss' experience in

emergency housing has offered her a depth of knowledge of housing issues and the impact of evictions.

**Greg Joy**

Greg Joy won an Olympic Silver medal in high jump at the 1976 Montreal Olympic Games. That same year he was selected to carry the Canadian flag during the closing ceremonies at the Olympic Games, was chosen as Canada's athlete of the year and received the Governor General's Award. In 1978 he broke the world record with a leap of 2.31 metres and is a recipient of the Queen's Golden Jubilee Medal for his work in his community.

Greg has worked as a sport and fitness consultant for the government of Ontario, a teacher and has coached several national and international champion athletes. Greg spent six years helping to feed the less fortunate of his community as Executive Director of the Ottawa Food Bank and for six years was the principle partner of a successful corporate training company. For 25 years Greg has provided volunteer support to several charities and has been a member of numerous boards.

Greg is a graduate of the University of Toronto and has a post graduate certificate in financial analysis from the University of Western Ontario.

**Caroline King**

Caroline A. A. King graduated from Glendon College, York University (bilingual stream) with an Honours degree in Canadian Studies and Political Science, then attained her Bachelor of Laws degree from the University of Western Ontario. Before her appointment to the Tribunal, she practiced law for a number of years, and was active in her local community.

**Elizabeth Leighton**

Elizabeth Leighton graduated from the University of Western Ontario with an Honours degree in English & History, then attained her Master of Library Science and Bachelor of Laws degrees. Before her appointment to the Tribunal, she practiced law for a number of years, and was active in her local community.

**Sonia Light** *(term ended June 16, 2005)*

Sonia Light graduated with distinction from McGill University in 1980 where she received her Bachelor of Arts degree in geography (urban systems). She graduated from Osgoode Hall Law

School in 1983 and was called to the Ontario Bar in 1985. In 1986 and 1987 she was a solicitor in the City Solicitor's office for the City of Hamilton. In 1988 she acted as legal counsel to the then Ministry of Housing's Buildings Branch. From 1989 to 1998 she was employed by the former City of North York and the new City of Toronto as a solicitor.

**Janice MacGuigan** *(term ended January 22, 2006)*

R. Janice MacGuigan is a graduate of The Institute of Law Clerks of Ontario. She practiced in the real estate field for 13 years, and later spent two years as a constituency correspondent. In addition, Ms. MacGuigan was an active volunteer in her community as Chair and Vice Chair of her local school council and a leader with Girl Guides of Canada.

**Wayne MacKinnon**

Wayne MacKinnon attended the University of King's College and Dalhousie University in Halifax, Nova Scotia, where he studied in the faculty of Arts and Science (Social Sciences), and then went on to do some graduate work in Boston, Massachusetts USA. Before his appointment to the Tribunal he worked for many years with the Municipality of Ottawa-Carleton and, after that, with the Government of Canada at various levels and in various departments. Mr. MacKinnon was a Member of the Mayor's Advisory Committee on Race Relations and a voluntary Member of Bell Canada's Consumer Advisory Panel.

**Ieva Martin**

Ieva Martin served as Chair of the Board of Referees, the appeal tribunal for the Employment (formerly Unemployment) Insurance Commission, from 1995 to 2004. Prior to that she was a small business owner and a member of the Board of the Clarkson Business Improvement Association. She was the President of the Latvian Canadian Cultural Centre. Ms. Martin obtained a Bachelor of Arts (B.A. Hons.) in French and Canadian Studies from the University of Toronto. She also studied Science at McGill University.

**Debra Mattina**

Debra Mattina is a graduate of Mohawk College in Hamilton (Business Accounting, 1972 and Medical Radiological Technology, 1985) and worked as a medical radiation technologist for 20 years. In 2003 Debra was awarded the Queen's Golden Jubilee Medal recognizing her volunteer efforts in her community over her lifetime.

**Donna McGavin** *(term ended September 16, 2005)*

Donna McGavin was a member of the Rent Review Hearings Board from 1987 until 1994. She became a vice chair of the Social Assistance Review Board in 1995 and remained at SARB until 1998. In June 1999, Ms. McGavin was appointed as a member of the Ontario Rental Housing Tribunal.

**Dennis McKaig** *(term ended September 9, 2005)*

Dennis McKaig is a graduate of Humber College in Toronto, (Funeral Service Education, 1980), and The University of Western Ontario (Bachelor of Science, 1988). Mr. McKaig worked in funeral service in Southwestern Ontario during most of the 1980s. He was with the Ministry of Health (Emergency Health Services) in the communications field since 1989, and has also worked on a part-time basis as a paramedic. Mr. McKaig previously has acted as a Board member and Committee Chair for Craigwood Youth Services, a children's mental health and young offender's agency.

**Brian McKee** *(Part-Time)*

Brian McKee graduated from Algonquin College, Management major, School of Business, in 1972. He has held senior management positions in the private sector over the past twenty-five years. He also worked as a management consultant to several large corporations and privately owned businesses from 1989 to 2002.

**Jim McMaster** *(Part-Time)*

Jim McMaster has been an active member of his community for over 20 years including having been on Ajax council for 12 years and holding the positions of Deputy Mayor, Region of Durham Finance Chairman and Budget Chief and Vice Chair of the Toronto and Regions Conservation Authority just to name a few. He owns a transportation consulting business.

**Angela McReelis** *(resigned June 2, 2005)*

Angela McReelis is a graduate of Sir Sandford Fleming College, Law and Justice Program. Ms. McReelis has furthered her studies in obtaining the following certificates: Law Clerks of Ontario, and Alternative Dispute Resolution techniques. Before joining the Tribunal, Ms. McReelis was a Complaints Resolution Officer at the Law Society of Upper Canada and prior to that she was an Application/Assessment Officer at Legal Aid Ontario.

**Alan Mervin**

Alan Mervin attended York University, obtaining a Bachelor of Arts Degree in Sociology in 1971, and received a Bachelor of Laws (LL.B.) from the University of Windsor in 1974. Mr. Mervin joined the Ontario Legal Aid Plan, now Legal Aid Ontario, where he served as a staff lawyer in a number of capacities. Mr. Mervin left Legal Aid in 1980, to enter the private practice of law with a focus on Criminal Trial Practice.

**Beatrice Metzler (Part-Time)**

Beatrice Metzler is a graduate of Lakehead University, specializing in Education. She went on to obtain her accreditation in Association Management. Beatrice held the positions of General Manager of the Thunder Bay Chamber of Commerce and then Executive Director of the Thunder Bay area Industrial Training Organization. Following her career in association management, she established her own Project Management business. She has been an active director on several business, professional and community boards, both locally and provincially.

**Christina Budweth Mingay (Part-Time)**

Christina Budweth Mingay graduated from McMaster University with a Bachelor of Arts and Bachelor of Laws (LL.B.) from Queen's. Ms. Budweth Mingay was in private practice until 1991 with a focus on civil litigation. During the period 1991 to 2001, she practiced law with the Law Society of Upper Canada.

**Gerald Naud**

Gerald Naud graduated from the University of Ottawa with a degree in civil law. Following graduation he maintained a private practice prior to taking a position with the Government of Canada in the compliance department of Transport Canada. Mr. Naud was also involved in a successful private business for numerous years. Most recently he held the position of Director of Business Development for CCH Canadian Limited, one of Canada's leading publishers.

**Lynn Neil (Part-Time)**

Lynn Neil is a graduate of Andrews University and the University of Ottawa with degrees in psychology and criminology. She also has diplomas in Advanced Human Resource Management from the University of Toronto, and Alternative Dispute Resolution from the University of Windsor Law School. Ms. Neil had worked for 28 years for the Ontario government, during which time she directed a number of large enforcement programmes in

various ministries. Since her retirement she has been engaged part-time in consulting work, specializing in human resource management.

**Patrice C. Noé (Part-Time)**

Patrice C. Noé has been called to the bars of the Provinces of Ontario and Alberta and the State of New York. She served as Solicitor for Hamilton and York and Edmonton, among her vast experience working with Municipalities. She had also been a member of the local property standards committee and the committee of adjustment. She has had numerous community involvements. She was Rule of Law Liaison in Armenia for the American Bar Association and Project Director for IFES in Ukraine.

**Babatunde Olokun**

Babatunde M. Olokun is a graduate of the University of Tuskegee, Alabama (B.Sc.1978), John Marshall Law School, Atlanta, U.S.A (JD. Law 1983) and the Nigerian Law School, (B.L. 1986). He carried on a general law practice in Nigeria from 1986 to 1999 until his appointment to the Nigeria Federal House of Representatives, where he served until 2003. Mr. Olokun was a volunteer Community Legal Worker with the Rexdale Community Legal Clinic until his appointment in 2004 with the Ontario Rental Housing Tribunal.

**Pina Sauro** *(term ended September 8, 2005)*

Pina Sauro graduated from Toronto's Ryerson University with a Bachelor of Social Work Degree and a Diploma in Human Psychology. Ms. Sauro has 17 years' experience in municipal government with the City of London. While there, Ms. Sauro held a variety of roles including policy and program development, training, communications, organizational development, financial assistance, and funding allocation. Ms. Sauro's focus has been in the field of community and social services for children, youth, families, and seniors, including social assistance, recreation and long-term care. Through her role in the allocation of provincial and municipal funding, Ms. Sauro had the opportunity to work with many community organizations to address community needs in areas such as child care, homelessness, mental health, diversity, and street youth services.

**Sherry Senis** *(term ended June 22, 2005)*

Sherry Senis has 12 years experience managing all aspects of a diversified business portfolio. As a former owner/broker of a real estate firm, she managed human resources, liability

management, company structuring and business planning. As well as receiving her certificates in business administration, mortgage financing, property law and appraisal, she obtained her designation as a market value appraiser (MVA) in 1995. As a municipal councillor, Ms. Senis served as chair and/or member of several committees; director of the Social Development Council; vice chair of the Pickering Hydro Liaison Committee; and member of the Personnel and Performance Appraisal Committee.

### **Freda Shamatutu**

Freda Shamatutu holds a Bachelor of Laws degree from the University of Zambia obtained in 1981. She practiced law in Zambia for 20 years before migrating to Canada. Ms. Shamatutu has spent most of her professional career at senior management level working for various organisations, including as Chief Legal Advisor and Legal Counsel for the Zambian national airline, as Board Secretary and Director Support Services for Zambia Revenue Authority and as Executive Director for the Advanced Legal Training Institute in Zambia (the Institute trains law graduates in bar admission courses and also provides lawyers with continuing legal education). Before her appointment as an adjudicator with the Tribunal, Ms. Shamatutu was employed as Office Manager for a law firm in Toronto.

### **Andi Shi**

Andi Shi has a diverse range of professional experience. He studied Biology and Biochemistry. He has worked as a researcher in community policing, a business manager, the executive director of a non-profit organization and a multidisciplinary consultant. He has been on the boards of a number of charitable/non-profit organizations as well. Prior to his appointment to the Tribunal, he served as a Member of the Council of the College of Opticians of Ontario. Mr. Shi holds a Bachelor of Science degree from Eastern China Normal University and a Master of Science degree from the University of Regina.

### **Valarie Steele**

Valarie Steele worked for several years in the financial (stockbrokerage) industry, specializing in the syndication of new issues. An experienced Human Resources consultant, she owned and operated a placement agency that supplied staff for the office environment primarily in the financial sector. Ms. Steele has volunteered extensively in the community for over three decades where she has been involved in a number of projects that benefited the community.



She is past president of the Jamaican Canadian Association and Chairperson of the Community Police Liaison Committee at Division 13.

**Julius Suraski (Part-Time)** (*term ended November 9, 2005*)

Julius Suraski is a practicing insurance broker with an extensive background in accounting, claims management and dispute resolution. Mr. Suraski is a graduate of the University of Toronto (Bachelor of Commerce degree in 1972), the Canadian Institute of Chartered Accountants in 1974, and York University in 1998, holding a Certificate in Dispute Resolution. He is a member of the Arbitration and Mediation Institute of Ontario. Mr. Suraski is a co-founder of the Collision Industry Standards Council of Ontario and an industry spokesperson, promoting consumer protection through the implementation of safe repair standards and ethical business practices. He has published several works including *Audit Programs for Colleges and Universities* (1984) and *The Decline of the Auto Repair Industry in Ontario* (1997). He is a frequent contributor to various insurance trade publications. Mr. Suraski is committed to community service and has contributed in excess of 4,000 hours of volunteer service at the Baycrest Centre for Geriatric Care in Toronto.

**Najibullah Tahiri**

For over 20 years, Najib Tahiri has been involved in the community and social justice issues affecting new Canadians. In the 1980s, he served as the President of the Afghan Association on Ontario, a non-profit organization responding to the needs and aspirations of Afghan-Canadians in Ontario. Between 1992 and 2003, he served as a Member of the Immigration and Refugee Board, the largest Canadian tribunal making decisions on immigration and refugee matters. Mr. Tahiri was a volunteer member at various community-based organizations including the North York Cross-Cultural Committee, North York Inter-Agency and Community Council, and Canadian Council for Refugees. He holds a Bachelor of Science degree in Mechanical Engineering from Kabul University in Afghanistan.

**Gerald Taylor**

Gerald Taylor has many years of administrative background, having worked in banking, automotive and information technology industries. During his career Mr. Taylor held positions of significant responsibility and decision making. He also dedicated considerable time to community activities such as Junior Achievement, United Way, Local and Ontario Chambers of Commerce and Durham Enterprise Centre for small business.

**Christopher Trueman**

Christopher Trueman has been actively involved in both the public and private sectors. In 1994, Mr. Trueman was elected to serve as a school board trustee with the Haliburton County Board of Education. Mr. Trueman spent many years in the private sector as the owner of an equipment leasing company. In 2001, after completing studies through the University of Waterloo and Osgoode Hall Law School, he established a private practice in the field of Alternative Dispute Resolution. He is a former member of the ADR Institute of Ontario and the Association for Conflict Resolution in Washington D.C.

**Elizabeth Usprich**

Elizabeth Usprich attended the University of Western Ontario and earned degrees in Psychology (B.A.) and Law (LL.B.). In addition to practicing as a lawyer, Ms. Usprich has also taught law at the College level. She was actively involved in the London community and has sat on several Boards of Directors.

**Jonelle Van Delft**

Jonelle Van Delft graduated from Queen's University with an Honours degree in History, a Special Field Concentration in Women's Studies and a Bachelor of Laws degree. Before her appointment to the Tribunal, she practiced Clinic Law under the Ontario Legal Aid Plan.

**Rosa Votta**

Rosa Votta has worked in various departments of the provincial government, including Health, Citizenship, Culture (Tourism) and Recreation and several branches of the Ministry of Labour, namely the Health and Safety Branch and most recently the Employment Standards Branch, as an Employment Standards Officer, administering and enforcing the *Employment Standards Act*.

**Brad Wallace**

Brad J. Wallace is a graduate of the University of Western Ontario (B.A. (Hons.) Politics, 1996) and the University of Windsor (LL.B, 2001). Before his appointment to the Ontario Rental Housing Tribunal, Mr. Wallace practiced primarily in the areas of insurance defense, plaintiff personal injury, social assistance and landlord-tenant law. Brad Wallace is a former member of the Board of Directors of the London and Area Food Bank, and a past member of the Board for the London Training Centre.

**Mike Welsh (Part-Time)**

Graduate of the University of Waterloo in Environmental Studies, (B.E.S.) 1980. Operations Manager, FedEx Logistics, at the John Deere Welland Works, Welland Ontario, 1995-2004. Currently, Mr. Welch is a transportation consultant and planner. Vice Chairman, Niagara On The Lake Committee Of Adjustment, 1997-2004. Member of Niagara on The Lake Irrigation Committee, 1994-1997. Member of Niagara on the Lake Fence Arbitration Committee, 1991-1994. Member, Niagara on The Lake Traffic and Parking Committee, 1988-1990.

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ISSN 1492-5966

Disponible en français: Tribunal du logement de l'Ontario\le rapport annuel 2005-2006

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