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**Ministère des Affaires  
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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 1999/2000 fiscal year.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chris Hodgson", written over a light gray grid background.

Chris Hodgson  
Minister of Municipal Affairs and Housing

**Ontario Rental  
Housing Tribunal**

Office of the Chair

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TO THE HONOURABLE CHRIS HODGSON  
MINISTER OF MUNICIPAL AFFAIRS AND HOUSING

MINISTER:

I have the honour to submit the Ontario Rental Housing Tribunal's Annual Report for the 1999/2000 fiscal year.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chisanga Puta-Chekwe". The signature is stylized and written in a cursive-like font.

Chisanga Puta-Chekwe

Chair

Ontario Rental Housing Tribunal

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## **Chair's Message**

This is the second Annual Report of the Ontario Rental Housing Tribunal. We have decided to publish our annual reports in line with the government's fiscal year. Therefore, this Report will cover the time period between April 1, 1999 and March 31, 2000.

Our second year of operations has been successful. In 1999, we undertook an operational review, which was conducted by the consulting firm KPMG. We received the results of the review this year, and I am happy to report that overall the results were very positive. Recommendations were also made on areas in which we could improve our service. We spent much of the past year implementing these recommendations. We set up a number of working groups to study the report and to maximize the operational improvements that the consultants recommended. Some of these were easier to accomplish than others.

One of the biggest challenges we faced as a result of the operational review was to re-focus our mediation services. The consultant recommended that we concentrate on the more difficult types of applications, particularly the highly contested ones, and try to resolve these before the hearing. Our experience has shown that this will not be an easy task. Our clients are not always ready to mediate until the day of the hearing, making it difficult to significantly increase the use of routine (as opposed to duty) mediation.

We have had great success with our “best practices” work. We set up a group to work on the best administrative practices across our 20 offices and a group of members to work on the best adjudicative practices. We learned a great deal about how to work more efficiently and, by sharing ideas and strategies, we have learned how to streamline some of our processes.

We have begun to make improvements to our call centre, both technically and in the quality of responses given to our clients. The consultant pointed out that we were missing calls because we did not have proper coverage during our highest peak periods of work. We have changed our client service representatives work hours to remedy this. As well, we will obtain new equipment for the call centre that will allow us to respond to more inquiries, more quickly.

We have expanded our Web site and currently have 25,000 visits to our site each year.

This year has been one of hard work, concentrated on better serving our clients and the people of Ontario. The Tribunal remains dedicated to providing excellent service to all of our customers. We are gratified that the KPMG review found that our clientele was happy with the service we provide. However, we remain open to suggestions, comments, criticism and praise. We look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chisanga Puta-Chekwe', written in a cursive style with a long horizontal stroke extending to the right.

Chisanga Puta-Chekwe, Chair  
Ontario Rental Housing Tribunal

## THE TENANT PROTECTION ACT

On June 17, 1998, The *Tenant Protection Act*, commonly known as the TPA was proclaimed.

The TPA brought together six pieces of legislation that formerly governed the relationship between landlords and tenants, as well as the Ontario Building Code and the Planning Act. The result is a comprehensive package that balances the rights of tenants and landlords.

The four primary objectives of the TPA are:

- ⇒ To simplify the relationship between landlords and tenants
- ⇒ To balance the needs of landlords and tenants
- ⇒ To create an efficient process that deals with disputes quickly
- ⇒ To create a cost-efficient process

Under the previous legislation, disputes between landlords and tenants were settled through the provincial court system. The court system was formal, costly and dispute resolution often took a long time.

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

The need to provide a one-window service to tenants and landlords was clear. As a result, the *Tenant Protection Act* consolidated the two systems and created an independent, quasi-judicial agency - the Ontario Rental Housing Tribunal.

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

The role of the Tribunal is to:

- ⇒ Resolve tenant and landlord disputes through either mediation or adjudication
- ⇒ Regulate rent increases in residential rental accommodations
- ⇒ 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 faster and more efficient than previous systems for resolving landlord and tenant issues.

### **The Adjudication Process**

The Tribunal was designed to create a more informal environment for the resolution of disputes between tenants and landlords. Under the adjudication process:

- ⇒ Disputes are heard in public buildings other than courtrooms
- ⇒ Tenants may choose to represent themselves and may consult an on-site legal aid representative
- ⇒ The more conciliatory approach of mediation is encouraged before the hearing process begins or during the hearing if the adjudicator feels that the matter lends itself to mediation

The Tribunal's adjudicators are highly qualified professionals who have both the experience and the knowledge to deal quickly and fairly with the issues. Adjudicators are appointed to the Tribunal after undergoing a rigorous and competitive interview and selection process.

The adjudicators meet formally every three months to discuss issues. Many of them sit on committees and working groups such as the Rules and Guidelines Committee, groups to look at the order format and groups that gather opinions on specific issues. Most of the formal member meetings also contain elements of training such as conduct of a hearing, natural justice, amendments to the TPA and to other legislation like the *Statutory Powers Procedure Act*.

## **The Mediation Process**

Mediation is offered under the Tribunal's legislation. It is often used to clarify issues and settle disputes so that the hearing may proceed more expeditiously. 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 both their knowledge of rent regulation and negotiation skills to assist landlords and tenants in resolving their applications and their concerns before the hearing.

Approximately 20 per cent of the Tribunal's applications are successfully mediated. 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. We are trying to focus more of our mediation efforts on the more complex applications. We have had some success with mediating Above Guideline Increase applications, which saves all parties lengthy hearings and provides a quicker resolution of the issues.

## **Locations**

The Ontario Rental Housing Tribunal has eight district offices and 12 client service offices across the province. Most of the Tribunal's hearings are held in its district offices.

Hearings are held in the area that is most convenient for tenants and landlords.

The district offices are located in the following areas:

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

At client service offices, landlords and tenants can file applications, have their questions answered by a customer service representative, and attend hearings (when it is convenient for both parties to do so).

The client service offices are located in the following areas:

- |                 |                  |
|-----------------|------------------|
| → Windsor       | → Etobicoke      |
| → Thunder Bay   | → North Bay      |
| → Kingston      | → St. Catharines |
| → Timmins       | → Peterborough   |
| → Durham/Whitby | → Barrie         |
| → Owen Sound    | → Kitchener      |

The Tribunal has 31 document filing centres across the province where tenants or landlords can file their applications and pick up information about the Tribunal. The Tribunal's network of offices covers each of the county seats in the province.

## **Call Centre**

The Tribunal has created a call centre for handling customer inquiries. This is a toll-free number (1-888-332-3234) which operates 24 hours a day, seven days a week. A customer service operator is available during normal business hours. An extensive telephone script answers frequently asked questions. This year, the Tribunal responded to approximately 870,000 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 Tribunal has its own Web site ([orht.gov.on.ca](http://orht.gov.on.ca)) and responded to 25,000 Internet inquiries last year. All forms are available on the Internet as well as through each district and client service office.

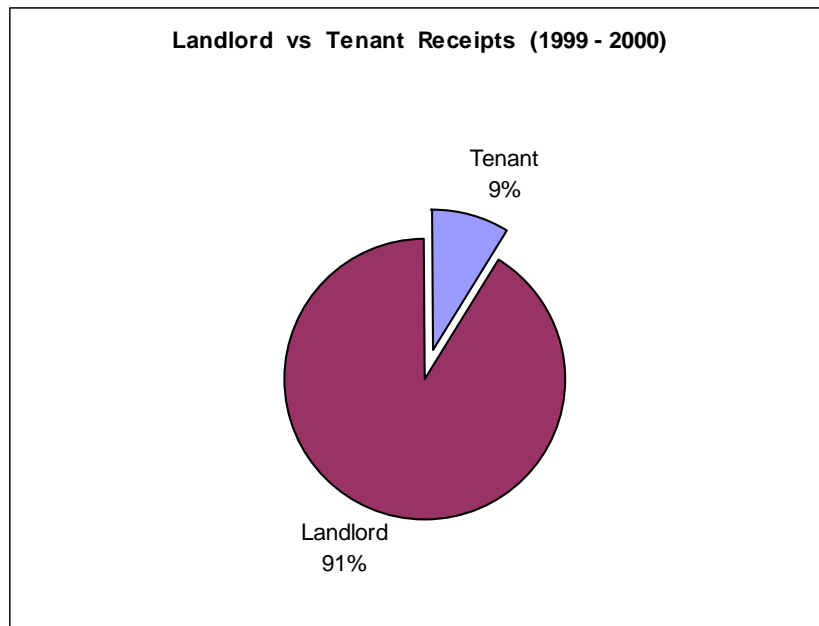
The Tribunal's telephone system will be updated in 2001 to improve our service to customers. The new equipment will allow our customer service representatives to respond to more calls and will allow more clients to get through on our 1-888 telephone line.

## Statistical Information for the year 1999- 2000

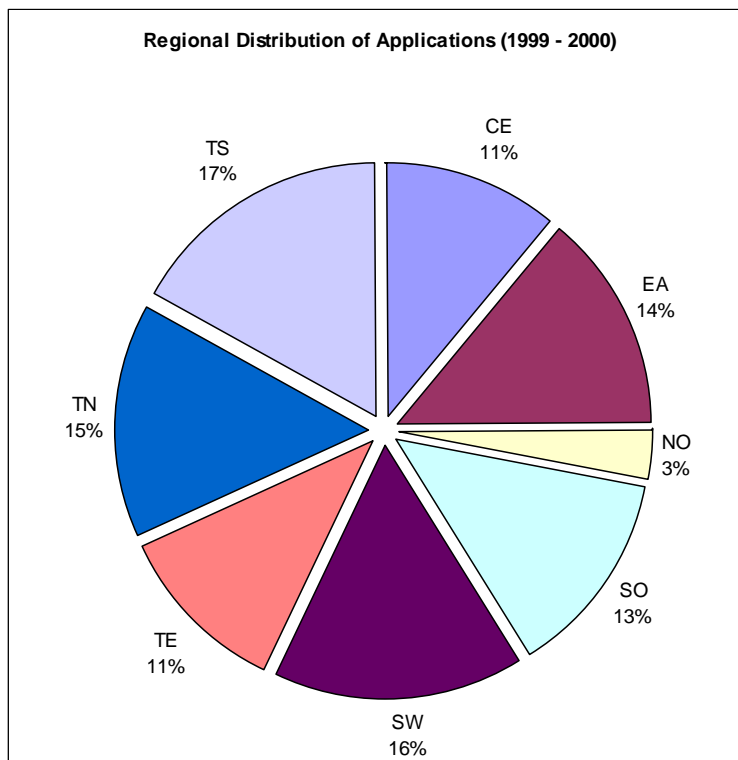
### Applications

The Tribunal's second year of operations has been a productive one. In our first year, we received 59,894 applications. During the 1999-2000 fiscal year, the Tribunal received 70,181 applications and resolved 70,862. Approximately 5,000 applications were still in process at the end of the last full year of operations; as well, there are often applications that are re-opened.

The total receipts for the 1999-2000 fiscal year had the following profiles:



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 been by far the majority of applications since the start of rent regulation in Ontario in 1976, and this trend continued through 1999 and 2000. Of the total applications received by the Tribunal, 72.63 per cent were for termination of tenancies because of arrears of rent. This is down from 76 per cent last year. Tenant applications for rent rebates, rent reductions, and violations of tenants' rights accounted for 7.05 per cent of the applications filed during this fiscal year. This is up from 5.8 per cent last year.

## **Above Guideline Increase Applications**

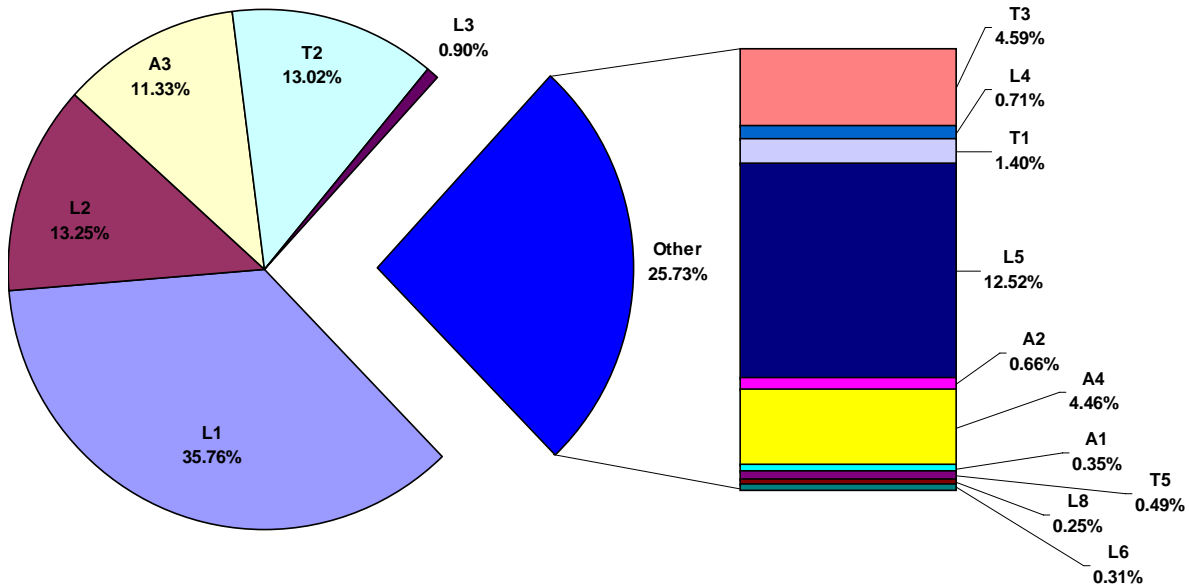
An average of 251 applications for above guideline increases were received each year under the *Rent Control Act*. During the first year of Tribunal operations, 887 applications for above guideline increases were received. Although the number decreased to 388 during the 1999-2000 fiscal year, we are finding that these applications, combined with the applications regarding tax increases and decreases, take a disproportionate amount of time both for staff and adjudicators. A study of the Tribunal's workload found that these applications, which make up only one per cent of the Tribunal's workload, take 16 per cent of the Tribunal's time.

Management and the adjudicative team are finding solutions to this problem so that all applications can be heard quickly and resolved expeditiously. This will be one of our priorities for the coming year.

The two charts on the following page show the distribution of the Tribunal's workload, by type of application and disposition method (default or hearing).

## Ontario Rental Housing Tribunal

### Distribution of Hearing Time by Application Type for Fiscal 1999/2000



### Workload for Fiscal 1999/2000

Case Type	# Cases	#Defaults	#Hearings
L1	47,121	29,903	14,398
L2	6,347	1,488	3,557
A3	3,209	638	2,028
T2	2,627	0	1,748
L3	1,461	1,302	364
T3	1,258	0	821
L4	1,016	941	287
T1	601	47	375
L5	399	0	420
A2	354	91	176
A4	215	0	299
A1	87	0	47
T5	85	0	66
L8	71	0	33
L6	26	0	21
	<b>64,877</b>	<b>34,410</b>	<b>24,640</b>

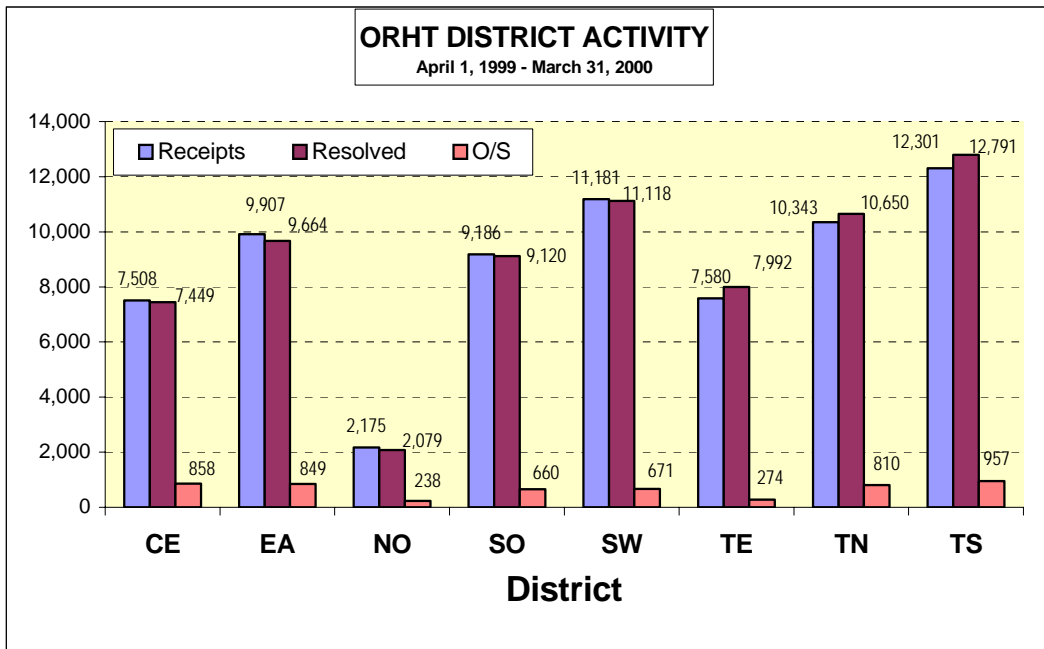
## **Harassment Applications**

Tenants can apply to the Tribunal, at no charge, if they believe that their landlord has been harassing them and they wish to obtain relief. The Tribunal received 2,641 applications compared to 1,789 during the first year of operations alleging violation of tenant's rights. Of the number received, 452 had yet to be resolved at the end of the fiscal year.

## APPLICATION RESOLUTION

The Tribunal has been successful in resolving applications quickly. On average the Tribunal maintains only one month's receipts as open files. We were even more efficient this past fiscal year. We focused on the files that had no disputes and issued default orders as quickly as possible. Our statistics indicate that over all, we were able to issue default orders within one to two days after the dispute deadline. In addition, we issued most orders within 21 days of the application being filed, and even more complex orders were issued within 23 to 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

## **ORDER SUMMARIES**

Ontario Rental Housing Tribunal adjudicators are responsible for hearing a wide variety of applications from both landlords and tenants. These applications address such issues as above guideline rent increases, evictions and orders for payment of arrears.

The following presents a sample of cases heard by the Tribunal during the 1999 - 2000 fiscal year.

### **Tenant Application**

**TST-01247**

**Section 34**

The tenant applied for an order determining that the landlords failed to meet their maintenance obligations. On June 30, 1999, the tenant's refrigerator broke down. On July 5, a repairman attended the rented premises and determined that the refrigerator could not be repaired. A new refrigerator was installed in the tenant's unit on July 8.

In his analysis, the member first considered the question of negligence. The member found that there was no negligence on the part of the landlords since the breakdown of the fridge was not a "foreseeable" event.

The member also considered whether the tenant was entitled to compensation for the seven days that she was without the use of a refrigerator. According to the member, section 24 of the Act does not require that repairs be made immediately in order for a landlord to avoid liability, but that they should be made promptly. Although the landlords did not respond immediately to the tenant's situation, the landlords did respond with reasonable promptness, considering the breakdown occurred one day before the statutory holiday.

In the order, the member determined that the landlords had not failed to meet their maintenance obligations. The application was dismissed.

The tenants applied for an order determining whether the landlords had given a notice of termination in bad faith. The landlords had served the tenants a notice of termination because they personally required possession of the rented premises. After vacating, the tenants discovered that the landlords never moved into the unit. Instead, the landlords had rented the residence to another tenant.

In dispute of the tenants' application, the landlords testified that at the time the notice of termination was given, they had every intention of moving into the rental unit but, due to a drastic change in their personal circumstances, their plans changed. The landlord testified that shortly after the tenants vacated, his wife suffered a severe seizure and was diagnosed with cancer. Due to the medical treatment that his wife required, the landlord decided not to move into the rental unit.

The member concluded that the evidence of the landlord was credible and given in a forthright manner. It was evident from the landlord's wife's appearance at the hearing that she was very ill. Although the landlords failed to move into the unit, this fact, alone, did not necessarily mean that the notice was given in bad faith. Circumstances change, and in this case, the landlords' lives changed quickly and dramatically. It was determined that the notice of termination was given in good faith. The application was dismissed.

The landlord filed an application to terminate a tenancy for impaired safety and persistent late payment of rent.

According to the facts, there was a fire on the sixth floor of the apartment building. After the incident, the fire alarms were not working and the landlord was ordered by the fire department to repair them. The landlord posted notices in the common areas advising tenants that the alarms in each unit would be inspected.

The tenant refused to allow the landlord entry for the purpose of completing the inspection because the landlord failed to provide her with 24 hours written notice in accordance with section 21 of the *Tenant Protection Act*. The landlord argued that since this was an emergency situation, notice was not required. By refusing entry, the tenant placed other tenants at risk.

In the order, the member indicated that his interpretation of section 20 of the Act is that a landlord can enter a rental unit without notice for emergencies that require immediate action and where it is not possible to provide the tenant with written notice. Since the landlord posted the notices three days prior to the proposed entry date, the member concluded that this was not an emergency situation. The tenant was found to be enforcing her rights under the Act.

With respect to the claim of persistent late rent, the landlord claimed that the tenant had been late in paying her rent for four consecutive months. In dispute, the tenant explained that she had just moved to the province and the bank was holding her cheques before releasing the funds. The member determined that being late in paying rent for four months is insufficient to justify terminating the tenancy for persistent late rent. The explanation provided by the tenant was reasonable and it was too early in the tenancy to determine that this pattern would continue.

The member concluded that the landlord failed to justify terminating the tenancy and the application was dismissed.

The landlord applied for an order for payment of arrears of rent resulting from the tenant's refusal to pay the amount specified in a Notice of Rent Increase.

The tenant had been living in the rental unit since 1988. The rent at the start of the tenancy was \$673. In January 1999, the new landlord gave the tenant a Notice of Rent Increase, which increase the rent by \$157 to \$830. The Notice of Rent Increase indicated that the increase was higher than prescribed by the guideline, but less than maximum rent. The tenant testified that upon receiving the notice, she called the landlord and was told to disregard it. Subsequently, the landlord sent the tenant another notice advising her that a discount of \$55 per month would be granted if the tenant provided 12 post-dated cheques and a last month's rent deposit.

In the order, the member indicated that although subsection 121(2) of the Act allows discounts, the discount cannot be conditional on something which is prohibited by the *Tenant Protection Act*. The discount provisions requiring post-dated cheques and the payment of a rent deposit after the start of the tenancy are contrary to the spirit of the Act. The discount, in effect, becomes a penalty for not doing something prohibited by the Act. Therefore, the rent above the discounted rent was considered a penalty, prohibited by clause 140(1)(a) of the Act, and not collectible. The application for arrears was dismissed.

The landlord filed an application to terminate tenancy because the tenant or another occupant substantially interfered with the reasonable enjoyment or lawful right of the landlord or another tenant.

The tenant has four children and resides in a small townhouse complex. The landlord and two other tenants testified that they had experienced continuous problems and disruptions since the respondent tenant moved in. The tenant's children fought all the time, caused damage to the rental unit and personal property, and were disruptive and disrespectful to other tenants. On several occasions, the children were seen hitting each other, causing bodily harm. The children's objectionable behaviour appeared to be attributable to lack of supervision.

In response to the allegations, the tenant argued that her eldest daughter was 12 years old, a licensed babysitter, and therefore capable of supervising her siblings. The tenant indicated that she was willing to pay for any damage and stated that the actions of her children were not criminal.

The member concluded that the landlord's application was substantially proven. Taken cumulatively, the actions of the tenant's children were beyond what the landlord and other tenants are expected to endure before the remedy of eviction is granted. As well, the member indicated that conduct which results in termination due to substantial interference with reasonable enjoyment does not have to be criminal.

The member concluded that the children were occupants within the meaning of subsection 64(1). On August 27, an order was issued terminating the tenancy but delaying the eviction date to September 30, 1999.

#### **Landlord Application**

**TNL-11615-SA**

**Section 77(4)**

The landlord applied for an order to terminate the tenancy because the tenant failed to meet the conditions specified in the Tribunal Order TNL-07430-SA. An ex parte order was issued for termination and arrears. The tenant filed a motion to set aside the ex parte order and a hearing was held.

Order TNL-07430-SA, resulting from the landlord's application to terminate the tenancy due to persistent late payment, required the tenant to pay rent for the period from September 1999 to February 2000 on the first day of each month. The landlord testified that the tenant made payments on September 3, October 4, and November 10 in contravention of the order.

In dispute of the landlord's application, the tenant submitted that she purchased money orders on September 1 and October 1 and placed them in the landlord's mail slot on the same day. With respect to November's rent, the tenant testified that she relied on social assistance and the cheque she was to receive at the end of October was late. The tenant left two voice mail messages with the landlord explaining her situation. The tenant claims that she purchased a money order on November 4 and put it in the landlord's mail slot on the same day.

In his decision, the member reviewed subsection 77(3) of the Act which requires the landlord to make his application within 30 days of the tenant's alleged failure. Even if the tenant had failed to meet the September and October deadlines, the member could not consider these to be breaches since they fell outside the 30 day period.

The member accepted that the tenant's payments were made on the dates she claimed. Although the provisions set out in order TNL-07430-SA were not to be taken lightly, the failure to pay November's rent on the first constituted a minor breach for which the tenant had a reasonable explanation. The member exercised his discretion, permitted under section 84, to refuse the eviction. An order was issued setting aside the ex parte order and dismissing the landlord's application. No costs were ordered.

The tenants filed an application for an order to reduce the rent charged because a service or facility was discontinued. The tenants claimed they were asked to give up their underground parking space and move to a parking space above ground in September of 1998 so that the landlord could complete restoration work to the underground garage. In May 1999, the tenants discovered that the restoration work had been completed and their parking space had been assigned to someone else.

In dispute of the tenants' application, the landlord testified that the garage restoration was a huge project that was being completed in phases. As work was completed, available spaces were first assigned to the elderly, handicapped or pregnant. The landlord testified that he had provided additional above ground parking for use by tenants who were displaced from the garage. The landlord also submitted that the fee for above ground parking was the same as for underground parking.

The issues to be determined in the application were whether the landlord had discontinued the facility of underground parking and whether this discontinuance was temporary and of a reasonable duration. For the purposes of the application, the member determined that the "service" provided to the tenants was the use of a parking area and that the "facility" was the garage. The member concluded that since the landlord provided an alternative parking space to the tenants at no additional cost, the service was not discontinued.

The member further concluded that since the tenants did not have use of the garage, the landlord discontinued the use of a facility. As the garage will be re-opened, the member found that the discontinuance was temporary. Since the landlord had taken steps to provide the tenants with alternative parking and there was no evidence of unnecessary delays in the project, the member was satisfied that the duration of the discontinuance was reasonable. An order was issued dismissing the application without costs.

The tenants filed an application to determine whether the landlord collected or retained money illegally. The tenants claimed that they were entitled to a partial refund of September's rent and the return of their last month's rent deposit.

On September 4, 1999, the tenants gave notice to the landlord that they would be moving out of the unit on September 11. On September 17, without the consent of the tenants, the landlord permitted an employee of her spouse to move into the apartment, rent free. The tenants had paid rent for September and the landlord held their last month's rent deposit.

In the order, the member asserted that the "fundamental exchange in the landlord/tenant relationship is the receipt of rent by the landlord and the right to occupy by the tenant." The landlord, by generously allowing the employee to reside in the unit while attempting to hold the tenants liable for rent, was giving something which was not hers to give. The rent free nature of the occupation clearly indicated that the landlord did not make an attempt to mitigate rent loss.

The member concluded that the landlord could not retain the rent deposit and should return the rent from September 18. An order was issued directing the landlord to pay the tenants \$1,099.29 plus \$45 for the cost of filing the application. If the landlord did not pay the tenants the full amount by the date specified, interest would be calculated on the outstanding balance.

The landlord applied for an order to increase the rent in a 66 unit complex by more than prescribed by the rent increase guideline. The landlord's application was based on 19 capital expenditure items.

In considering the application, the member disallowed the costs claimed for an indoor/outdoor control for the Heating System Thermocouples, as he found these were routine repair. The member also disallowed the costs claimed for roof repairs, concluding these were routine roof maintenance costs. The remaining 18 capital expenditure items fell within the definition of a capital expenditure. Each of the items was completed in the appropriate time period and none of the items were found to be unreasonable. As the claimed costs were documented by the landlord, the member allowed the costs as claimed.

The member found that the tenants' submissions, regarding the quality of the work done and the work that remained to be done, were not relevant to the determinations required in the landlord's application.

The landlord requested that the allowances for each item be apportioned equally to all the units, even though all the units did not receive direct benefit from the work. The landlord argued that since he plans to continue the specific unit repairs, it is appropriate to spread the cost equally amongst the units. The member agreed that an equal apportionment of the justified rent increase amongst all the units was the fairest approach.

In the order, the member determined that an increase in rent above the guideline in the amount of 9.7 per cent was justified. The landlord could increase the rent charged from May 1, 2000 to April 30, 2001 by an additional 4 per cent above the guideline.

As well, in the subsequent 12 month period from May 1, 2001 to April 30, 2002, the landlord could increase the rent charged by an additional 4 per cent above the guideline. During the period from May 1, 2002 to April 30, 2003, the landlord could increase the rent charged by an additional 1.7 per cent above the guideline.

The landlords applied for an order to terminate the tenancy because the tenant had failed to pay rent. The original order dismissed the landlords' application on the ground that the Notice of Termination served on the tenant did not comply with the Act. According to the original order, the landlords certified that the notice was served on December 13 with a termination date that was effective 12 days later.

The landlords requested a review of the order and a hearing was held. The request to review the application included an affidavit filed by the person who served the original notice. He submitted that he had been authorized by the landlords to amend the termination date specified on the notice prior to serving the tenant. The landlords explained that they were not able to provide a copy of the amended notice of termination at the original hearing because they did not receive a copy and were not aware of the amendment until after the original hearing of the application.

The member concluded that there was sufficient reason for the landlords' failure to provide the new evidence at the original hearing. The request for review was granted. The member found that the tenant was in arrears for the period from December 1, 1999 to February 29, 2000. An order was issued terminating the tenancy effective February 23, 2000. The tenants were directed to pay the landlords \$1, 227.77 for arrears plus per diem compensation in the amount of \$26.30 per day.

## **BIOGRAPHIES**

### **CHAIR**

#### **Chisanga Puta-Chekwe**

Chisanga Puta-Chekwe attended Sir William Borlase School in Marlow, Buckinghamshire, before studying law at the University of Birmingham in England. A Rhodes scholar, he received graduate degrees in law from the University of London, and in philosophy, politics and economics from the University of Oxford.

Mr. Puta-Chekwe was a partner in the firm Lloyd, Jones and Collins in Zambia from 1980 to 1986, and litigated a number of human rights cases, some of which became landmark decisions.

From 1986 until 1989, he was vice president of Meridien International Bank in London, England. He then worked as an international development consultant, mostly with the Canadian International Development Agency in Ottawa from 1989 until 1994.

In 1994, he served as adjudication officer and United Nations observer support officer monitoring the South African election, and in 1996 served as election supervisor in Bosnia and Herzegovina.

He spent six years with the Ontario Criminal Injuries Compensation Board, serving as a part-time board member from 1991 until 1994, and as chair of the Board from 1994 until 1997.

He served as executive director of Oxfam Canada between 1997 and 1998. He also served as co-chair of the Conference of Ontario Boards and Agencies (COBA 2000).

Mr. Puta-Chekwe is a Solicitor of the Supreme Court (England and Wales), and an Advocate of the High Court for Zambia.

## **VICE CHAIRS**

### **David Braund**

David Braund is a graduate of the University of Western Ontario (Bachelor of Arts, 1971 and Bachelor of Laws, 1974). After his call to the bar in 1976, he practised law for five years in London, Ontario. During that time he also served as chair of the London Committee of Adjustments which decided cases under the Planning Act. In 1981, he was appointed as a commissioner of the Residential Tenancy Commission, and later as appeal commissioner. From 1986 to 1998, Mr. Braund was the rent registrar for Ontario under the Rent Review and Rent Control Programs. He is a member of the executive of the Couchiching Institute of Public Affairs, and also co-chair of the Rules of Practice Committee of the Society of Ontario Adjudicators and Regulators.

### **Gilles Guénette**

Gilles Guénette graduated from the University of Ottawa, Faculty of Law where he later lectured in civil procedure. He worked as a general practitioner for more than 30 years and also acted as ad hoc hearing counsel for the RCMP Public Complaints Commission. Mr. Guénette has recently practised as an arbitrator and mediator, and lectured in alternative dispute resolution at the Law Society of Upper Canada Bar Admission Course. Mr. Guénette was, until his appointment to the Tribunal, a member of the Advisory Committee of the Neighbourhood Coalition for Conflict Resolution, and the vice chair of Ottawa-Carleton Housing Authority. He is a former president of L'Association des juristes d'expression française de l'Ontario.

### **Connie Holmes**

Connie Holmes has a long history with the Ministry of the Attorney General. She has served as registrar of the Divisional Court, Southwest Region; hearings officer for Small Claims Court pre-trials; registrar for Landlord and Tenant Hearings, and counter services manager in London; court services manager in Stratford and Goderich; assistant to the regional senior judge for the Southwest Region, and special advisor to the assistant deputy attorney general. Ms. Holmes has been active in community service organizations such as Mission Services in London and the Brain Tumour Foundation of Canada (Gus Macher Tournament). She is a founding member of Teen Girls' Home, and sits on the Advisory Committee of Collections for the London Historical Museums.

### **Mary Lee**

Before coming to the Tribunal, Mary Lee served for three years as registrar and chief administration officer of the Criminal Injuries Compensation Board leading the Board through a complete reorganization of its administrative processes. Prior to that, Ms. Lee was extensively involved in training and staff development with the Ontario Provincial Police for over eight years. She also served in the Premier's Office, Correspondence Unit. Ms. Lee is an active member of the Society of Ontario Adjudicators and Regulators Training and Education Committee.

### **Beverly Moore**

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.

## **ADJUDICATORS**

### **Shehnaz Alidina (Part-Time Member)**

Shehnaz Alidina has a Master's degree in Health Administration from the University of Ottawa and a Fellowship in Health Administration from the Juan de Fuca Hospitals in British Columbia. She has held a series of roles in health planning and administration in Ontario, Alberta and British Columbia, including five years as executive director of the Nipissing-Timiskaming District Health Council in Ontario. She now works as a private health consultant and has undertaken health reform projects in France, Kenya, Croatia and Tajikistan. She has published in health journals and has received a number of awards for academic excellence and community service.

### **Chris Braney**

Chris Braney has extensive experience in both the business community and in public service. Over the years, he has served as the vice president of the Centennial Community and Recreation Association, and director of the Variety Club Telethon. He is currently the president of West Hill Community Services, a volunteer board that caters to the needs of underprivileged members of the community. In 1994, he was elected to the Scarborough Board of Education, where he served as both a trustee and the vice chairman of the board overseeing an annual budget of \$525 million. As vice chairman, Chris chaired many hearings dealing with students who had broken the rules associated with the Scarborough Board of Education's zero tolerance to weapons and violence policy. Chris has also been the owner and operator of a successful health and safety products company, where he specialized in marketing and communications. Before joining the Tribunal, Chris was the director of marketing for a Toronto based aerospace company.

### **Jim Brown**

Jim Brown graduated from Ryerson Polytechnical Institute in business administration in 1965. He then graduated with a Bachelor of Arts degree from York University in 1968. That same year, he graduated from the Certified General Accountant program. In 1971 he graduated from the Master of Business Administration program at York University. In 1971 he also graduated as a registered industrial accountant. Mr. Brown spent many years at the Toronto Telegram and was one of the founders of the Toronto Sun. Mr. Brown operated his own manufacturing company for 25 years before entering public service. He has lectured at Ryerson, Seneca College and the University of Toronto. He is also a former member of the Ontario Legislature.

### **Stanley Chapman (Part-Time Member)**

Stanley Chapman was educated in Scotland and has experience with municipal and provincial governments in a number of capacities. Prior to joining the Ontario Rental Housing Tribunal, Mr. Chapman served for seven years as an adjudicator with the Worker's Compensation Appeals Tribunal.

### **Andreas von Cramon**

Andreas von Cramon is a graduate of Osgoode Hall Law School. He practised law in Brockville, after his call to the Law Society of Upper Canada in 1991, until his appointment to the Ontario Rental Housing Tribunal. He is a past member of the Ontario Consent and Capacity Board.

### **Janet Davies**

Janet Davies has been working in the field of rent regulation since 1976 and has held a number of challenging positions as decision maker under both the Residential Rent Regulation Act and the Rent Control Act. Ms. Davies received the Commemorative Medal for the 125th anniversary of the confederation of Canada, given for outstanding and significant contributions to the community. In addition, she has completed several courses relating to the residential rental environment, including courses in real estate, property management and alternative dispute resolution.

### **Lola Fabowalé**

Ms. Lola Fabowalé graduated from Trent University in 1988 with a Bachelor's degree in administrative and policy studies. She also completed a Master's degree in management studies at Carleton University in 1991. Until her appointment to the Tribunal, Ms. Fabowalé coordinated the development of the policy and advocacy functions at Oxfam Canada. She joined Oxfam Canada as programme development officer in 1995 and gradually accepted wider organizational responsibilities. Other organizations she had worked for include: the Public Interest Advocacy Centre as research director, Ekos Research Consulting Associates as a research analyst, and the International Development Research Centre as a professional research assistant. Her Master's thesis, "An Empirical Analysis of Credit Terms to Female Entrepreneurs", was commissioned as a research project by the Canadian Federation of Independent Business in 1989. Her involvement in community development work featured a two-year term as treasurer on the Volunteer Board of Immigrant and Visible Minority Women Against Abuse (IVMWAA).

### **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 the previous housing legislations, and mediating landlord and tenant rental matters. Ms. Fahlgren studied science and languages at Nipissing University and the University of Toronto.

### **Steven J. Faughnan**

Steven J. Faughnan received a Bachelor of Commerce degree from Concordia University and is a graduate of the National Law Program of McGill University, where he received degrees in both civil (BCL) and common law (LLB). After his call to the bar of Ontario, Mr. Faughnan practised civil litigation, represented clients at mediations and before administrative tribunals and appeared in civil and commercial cases at Ontario courts of all levels. In 1998, he was appointed to the Ontario Rental Housing Tribunal and adjudicates hearings in English and French.

### **Richard A. Feldman**

Richard Feldman holds Bachelor of Arts, Bachelor of Laws and Bachelor of Education degrees. He is the recipient of many academic honours, including the Arnold Balins Award from the University of Toronto. He received this award for his high academic standing, his demonstrated concern for others, his perseverance, and for his leadership qualities. As a lawyer, he has acted on behalf of landlords and tenants in residential and commercial tenancy disputes and rent review applications. He has experience in administrative law, civil litigation and residential real estate transactions.

### **Charles Gascoyne**

Mr. 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.

### **John Goodchild**

Mr. Goodchild graduated from Queen's University in 1977 with a Bachelor of Laws degree and was called to the Ontario bar in 1979. He was engaged in private practice in both Ottawa and Kingston until 1993, then employed by the Information and Privacy Commissioner of Ontario from 1993 to 1996. He was also engaged in private practice in the United States for two years and employed by the Information Commissioner of Canada before his appointment to the Ontario Rental Housing Tribunal.

### **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.

### **Patricia Greenside**

Patricia Greenside graduated from the University of Western Ontario with a Bachelor of Arts degree. She came to the housing field after working briefly with the Ministry of Education and Ministry of Training, Colleges and Universities. Ms. Greenside was hired by the Ministry of Housing and assumed the position of rent review administrator. For the last 10 years, Ms. Greenside has been adjudicating rent related issues under various legislation in both a part time and full time capacity.

### **David J. Gregory**

David Gregory graduated from the University of Toronto where he received a Bachelor of Arts and Sciences degree in 1969 and a Bachelor of Laws degree in 1972. Mr. Gregory carried on a general law practice from 1974 until his appointment as a member of the Ontario Rental Housing Tribunal in 1998. Mr. Gregory has served as a deputy judge of the Small Claims Court, has actively volunteered his time on his community's Committee of Adjustment, Regional Chamber of Commerce and Economic Development Board, and is a past president of his local law association.

### **Shawn Hayman**

Ms. Hayman attended Fanshawe College, specializing in accounting principles and other business disciplines. She worked for 10 years in the financial sector before joining the Ministry of Housing in 1987. Ms. Hayman has spent the last 11 years involved in all aspects of the delivery of Rent Review Programs as an appeal analyst, financial consultant and board member with the Rent Review Hearings Board. Most recently, she served as a rent officer with Rent Control Programs.

### **Knox Henry (Part-Time Member)**

Knox Henry was appointed as a part-time member to the Pesticides Appeal Board in 1975, which was merged with the Environmental Appeal Board in 1978. He was a part-time member until 1991 when he became full-time vice chair of the Environmental Appeal Board. Mr. Henry is one of Canada's leading horticulturalists. He has been a guest lecturer on propagation, management and environmental issues at various universities and colleges. Mr. Henry was cross-appointed as deputy mining and lands commissioner for the period 1995 to 1997 and cross-appointed as a member of the Ontario Rental Housing Tribunal in 1999.

### **David Horrox**

Mr. Horrox graduated from York University with an Honours Bachelor of Arts degree and from the University of Toronto with a Master's degree in public administration. David Horrox served as an administrator in several departments in the federal government, including the Unemployment Insurance Commission, Canada Employment & Immigration Commission, Labour Canada, and Human Resources Development Canada. He was also a professor in the School of Business at Centennial College, and a four-term trustee and chairman of the Scarborough Board of Education. He is certified as an arbitrator by the Arbitration and Mediation Institute of Ontario Inc.

### **Richard Ittleman**

Richard Ittleman has been a member of the Ontario Rental Housing Tribunal since its inception in 1998, and has been an active participant on various Tribunal committees. He holds an Honours Bachelor of Arts degree in history from York University and a Bachelor of Laws degree from the University of Windsor. Mr. Ittleman has been involved for several years in community volunteer work, where he has undertaken a number of fundraising and other projects. He currently sits on the managing council of a major community organization.

### **Linda Joss**

Linda Joss began her career in the pioneer days of child care work, graduating from Thistleton Hospital in 1961. Mrs. Joss spent 10 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 her 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 provided her with an extensive knowledge of housing issues and the impact of evictions.

### **Braham T. Kapal**

Braham Kapal's educational background includes an Honours Bachelor of Commerce and Bachelor of Laws degrees from Delhi University, and a Master's of Commerce from Meerut University. He received his CGA accounting designation in Canada in 1984. Mr. Kapal has 15 years experience in financial management in the private sector. Since 1983, Mr. Kapal has been involved in the management of adjudication, mediation and public information services in field offices of Rent Review Programs.

### **Laurie Koch**

Laurie Koch received her Bachelor of Arts degree in history and literature from the University of Massachusetts at Amherst and has completed numerous paralegal courses in both the United States and Ontario. Ms. Koch achieved a Certificate in Alternative Dispute Resolution in 1996 from Seneca College. Her professional experience includes paralegal work in both the public and private sectors. Ms. Koch was most recently a rent officer and mediator with the Ministry of Municipal Affairs and Housing where she adjudicated rent control applications and provided dispute resolution services to the landlord and tenant community as a member of the ministry's pilot project mediation team.

**Stephan M. Kozak**

Stephan Kozak received his Bachelor of Arts degree in political science and sociology from the University of Toronto. Mr. Kozak has since served as a rent review administrator, rent officer and mediator with the Ministry of Municipal Affairs and Housing. In 1996, he received a Reach for Excellence Award from the ministry for his involvement in a landlord and tenant mediation pilot project.

**Romuald Kwolek (Part-Time Member)**

Romuald Kwolek graduated in 1981 from the University of Western Ontario with a Bachelor of Laws degree. He has practised law in the city of Sault Ste. Marie since 1983. He has carried on a general practice with Oraziotti & Kwolek since 1989, specializing in criminal and family law. Romuald Kwolek is currently a deputy judge of the Small Claims Court, and continues to be actively involved in community volunteer work.

**Edward Lee (Part-Time Member)**

Edward Lee graduated from McGill University where he received his Bachelor of Science degree, as well as degrees in both civil (BCL) and common law (LLB), and has practised law in both Quebec and Ontario. He has also previously adjudicated with the Adjudication Directorate of Canada Immigration.

**Sonia Light**

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.

### **Paul Lummiss**

Paul Lummiss studied structural engineering at Lakehead University and graduated as a certified engineering technologist. He has in-depth experience of heavy, commercial and residential construction. Mr. Lummiss is a former member of local government and is a member of the Society of Ontario Adjudicators and Regulators.

### **Ian MacInnis**

Ian MacInnis graduated with a Bachelor of Arts degree from the University of Waterloo. He has served with the Manitoba Police Commission, the Alberta Correctional Service, the Ontario Board of Parole, and as a councillor and deputy mayor for the City of Kingston.

Prior to joining the Tribunal, Mr. MacInnis was in private practice as a court agent, representing clients in Small Claims Court and out-of-court settlements. He has also been active on several community boards and committees, including the City Revenue Committee, Kingston Access Bus, Kingston Planning and Development Committee, Community Economic Advisory Committee, and the Rwandan Orphans' Relief Fundraising Committee.

### **Donald MacVicar**

Donald MacVicar graduated from Acadia University in Wolfville, Nova Scotia with a Bachelor of Business Administration degree. He continued his education at Dalhousie University in Halifax, Nova Scotia, where he obtained his Bachelor of Laws and Master of Business Administration degrees. He was called to the bar in Nova Scotia and Ontario.

From 1988 to 1998, Mr. MacVicar was in private practice in the Toronto area. Since June of 1998, he has been a full-time member of the Tribunal, in Toronto.

### **J. Steven McCutcheon**

Steve McCutcheon graduated from Queen's University in 1979 with a Bachelor of Arts degree, and the University of Windsor in 1985 with a Bachelor of Laws degree. He was called to the bar of Ontario in 1987. He has practised law with Gardiner, Roberts in Toronto and later with smaller firms in Milton, Ontario. In between, he operated his own business importing parts for British sports cars and also found time to serve with the Peel Regional Police for a short period of time.

### **Tom McDermott**

Mr. McDermott received his Honours Bachelor of Arts degree in economics from York University. Tom McDermott has been adjudicating and resolving landlord and tenant disputes for over 10 years. He is a member of the Society of Ontario Adjudicators and Regulators. Mr. McDermott participated in a pilot project to mediate disputes at Landlord and Tenant Court, after completing training in alternative dispute resolution.

### **Donna McGavin**

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.

### **Brian L. Rodenhurst**

Brian Rodenhurst graduated from the University of Guelph with an Honours Bachelor of Arts degree and from the University of Windsor with a Bachelor of Laws. He was in private law practice for 20 years. Mr. Rodenhurst is the former mayor of the Town of Ingersoll, and chair of Ingersoll Police Services. He is a former member of the County Council, County of Oxford, and vice chair of administration and finance.

### **Jeffrey Rogers**

Jeffrey Rogers graduated with a Bachelor of Arts degree in English from the University of Toronto and with a Bachelor of Laws from the University of Windsor. After his call to the bar he entered practice as a sole practitioner and practised extensively in the areas of civil litigation and real estate. In 1992, Mr. Rogers was appointed a deputy judge of the Toronto Small Claims Court and continued to adjudicate on all matters within the jurisdiction of that court until his appointment to the Tribunal.

### **Nancy Savage**

Nancy Savage attended the University of Western Ontario Law School, obtaining a Bachelor of Laws degree in 1975. She has experience in private practice and in the representation of a child protection agency as in-house counsel.

### **Sherry Ruth Senis**

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. Recently, 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, to name a few. Since the Tribunal's inception, Ms. Senis has been appointed team lead for the adjudicators dealing with operational review recommendations, and is a member of the Performance Management Committee and the Caseload Order Group Committee.

### **Catherine Skinner**

Catherine Skinner is a graduate of the University of Toronto, Faculty of Law and the University of Winnipeg, where she received a Bachelor of Arts Honours degree in French and classics. She is a member of the Law Society of British Columbia and the Law Society of Upper Canada. Prior to joining the Ontario Rental Housing Tribunal, she was legal counsel to the Ontario Assessment Review Board.

### **Cynthia Lynn Summers**

Cynthia Summers is a graduate of McMaster University in 1988 with a Bachelor of Arts degree in Political Science, and in 1995 she received her Master's in Social Welfare Policy. Cynthia has extensive experience in the social service field and in working with a diverse clientele. She has worked with social assistance recipients, and mentally and physically challenged children and adults. Her experience includes representing the Ministry of Community and Social Services as a case presenting officer before the Social Assistance Review Board. Most recently, she was a professor in the School of Community Services at Sheridan College.

**Julius Suraski (Part-Time Member)**

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.

**David G. Timms**

David Timms graduated from the University of Western Ontario in 1980 with a Bachelor of Arts degree, from the University of Windsor in 1983 with a Bachelor of Laws degree, and from Osgoode Hall Law School in 2000 with a Master's of Law degree. He has practised law in the areas of civil litigation and dispute resolution since his call to the bar in 1985. Mr. Timms is a member of the Canadian Bar Association, the Arbitration and Mediation Institute of Ontario, the Society of Ontario Adjudicators and Regulators and the Association of Trial Lawyers of America.

**Diane L. Tinker**

Diane L. Tinker is a graduate of McMaster University with a Bachelor of Arts degree and Queen's University at Kingston with a Bachelor of Laws degree. After her call to the bar in 1981, she was in private practice for two years and then became in-house counsel for 14 years. Ms. Tinker has been a deputy judge in Small Claims Court in both Kitchener and Cambridge for the past six years.

### **David Wright**

David Wright is a graduate of Carleton University in Ottawa with a Bachelor of Arts degree in which he received first class honours in public administration. For the first 10 years of his career, Mr. Wright was a public housing property manager. For the next 11 years, he worked in various provincial rent regulation programs until his appointment to the Tribunal in June 1998. Mr. Wright is an active volunteer in his community, in such activities as coaching, Gloucester Public Library Board (chair), various school councils, and with the Kiwanis Club of Rideau (past member).

### **Karol Wronecki**

Karol Wronecki's educational background includes an LL.M, a doctorate in law and public administration from the University of Wroclaw (Poland) and an M.A. in public administration from Queen's University. Until 1988 he taught constitutional law and government at several universities in Europe and Canada. Between 1983 and 1988, he adjudicated rent control applications as an Order-in-Council member of the Residential Tenancy Commission. Most recently, he managed field offices administering the previous rent review/rent control legislation.

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ISSN 1496- 5569

Disponible en français: Tribunal du logement de l'Ontario\le rapport annuel 1999-2000

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