

Landlord and Tenancy Hearing

Mario is an Adjudicator employed by the Landlord and Tenant Board.

Mario reviewed the background of the case before him, prior to today's hearing. This matter is the last matter on his docket and he is keen to go home.

The respondent Olivia, is a tenant at a private property. She is a single mother of two young children and has just recently lost her job due to COVID. On the day her rent was due, she explained the situation to her landlord, Michael and asked him for extra time so she could find work to pay the rent. Michael did not agree to extra time and issued Olivia a Notice of Termination. Olivia pleaded for extra time and offered to do a repayment plan to Michael, but he was not interested.

When he saw that Olivia had not moved out and only paid 25% of her arrears, he filed an application for eviction. There was a mediation prior to the hearing that failed. It has been four months since the mediation and Olivia is still searching for a job.

Mario feels positive about this case and feels a resolution is possible, based on Olivia's efforts. He also feels bad at the thought of a single mother with two children not having anywhere to live with the times that we are in (COVID).

On the day of the hearing, Michael and Olivia were representing themselves. Michael arrived 20 minutes early for the hearing. Mario began having a friendly conversation with Michael, trying to gauge why they were here because he thought this matter could have easily been resolved at mediation.

Olivia, was over 15 minutes late for the hearing. When she arrived, Mario's first observation was that Olivia is a Black woman. He could hear her children, who were waiting outside with a babysitter. He found this distracting.

Disgruntled by the events, he shook his head and began the hearing. When it was time for Olivia to speak, she seemed distressed, spoke in a louder than 'normal' voice whilst gesticulating, including pointing fingers.

Mario asked Olivia to "Please calm down, I do not understand what you are saying", further stating "Why are you so angry?"

Michael then said in a hushed voice to the Mario, "Now you know what I've had to deal with!"

Olivia broke down up on hearing this. At the end of the hearing, the Adjudicator ruled for the landlord which meant Olivia would have to vacate her unit. Michael and Mario are both White.

Gibson Chowdhury - Clear Collaborative Mediation.

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(During the hearing, Olivia told Mario that it's been hard to find a job during COVID as she was the CFO for a company that had gone bankrupt and that her husband had recently passed away. However, this did not help the outcome.)

Olivia wants to make an application at the Human Rights Tribunal. Discuss whether you think Olivia's case has any merits based on the standard required by the Tribunal to prove discrimination.