

**Ontario Rental
Housing Tribunal**

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**Tribunal du logement
de l'Ontario**

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**TO THE HONOURABLE TONY CLEMENT,
MINISTER OF MUNICIPAL AFFAIRS AND HOUSING**

MINISTER:

I have the honour to submit for your approval the Ontario Rental Housing Tribunal's Annual Report for the 1998/99 fiscal year.

Respectfully submitted,

Chisanga Puta-Chekwe
Chair
Ontario Rental Housing Tribunal



Chair's Message

The *Tenant Protection Act* was proclaimed into law on June 17, 1998 and ushered in a number of changes in the statutory rights and obligations of residential landlords and tenants. It also created a new administrative Tribunal to adjudicate and mediate landlord and tenant disputes over these rights and obligations.

Thanks to a large number of dedicated public servants, primarily in the ministries of Municipal Affairs and Housing and the Attorney General, the Tribunal was able to open its doors and immediately provide service to the public on June 17, performing duties and functions which, until the day before, had been performed by different parts of different ministries.

The establishment of the Tribunal was a daunting, yet invigorating challenge. A major goal of the Government was to speed up and simplify the process of resolving landlord and tenant disputes. This was accomplished through changes in legislation and also by a major re-engineering of administrative procedures and practices.

Effective management of the Tribunal's anticipated application workload is a key element toward meeting this goal. The Tribunal customized a software system and installed it in its eight District Offices and 12 Client Service Offices across the province. During the next year, the Tribunal will be improving this system and offering a service to allow clients to file applications using the internet and have access to the information on their cases through interactive voice recognition software.

A review of the Tribunal's operations has been completed and offers us a number of innovative ways in which we can continue to streamline our workload while providing our client base with the best possible customer service.

We have enjoyed our first year of operation and believe that the coming years will allow us to become even better equipped to provide excellent service to the people of Ontario.

Sincerely,

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, plus 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 formality of the court system and the associated high costs, as well as the length of time it took to resolve some disputes offered exciting challenges to the Ontario Rental Housing Tribunal.

As well, the previous legislation had a separate system, Rent Control Programs, 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* consolidates 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 rental accommodations
- ⇒ Provide landlords and tenants with information about their rights and obligations

Landlords and tenants now have a forum that focuses solely on residential rental accommodation issues and a process that is faster and more efficient for resolving their issues.

The Adjudication Process

The Tribunal was designed to create a more informal environment. Under the adjudication process:

- ⇒ Disputes are heard in public buildings instead of 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 may be resolved easily

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 process.

Locations

The Ontario Rental Housing Tribunal has eight District Offices located across the province. The District Offices are the main processing offices of the Tribunal and where many of the Tribunal's hearings are held. The Tribunal holds hearings in the area that is most convenient to the landlords and tenants who reside in the residential complex that is part of the application.

The District Offices are located in the following areas:

- London
- Hamilton
- Toronto South (56 Wellesley Avenue)
- Toronto North (North York)
- Toronto East (Scarborough)
- Ottawa
- Sudbury

The Client Service Offices are offices where applications can be filed, Customer Service Representatives are available to answer questions and where hearings are held when convenient to both parties.

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 |

There are also 31 Data Filing Centres across the province where landlords or tenants can file their applications and pick up information about the Tribunal. In

total, the Tribunal has a network of offices that essentially covers each of the county seats in the province.

Call Centre

The Tribunal has implemented 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, but an extensive telephone script answers our most frequently asked questions about the *Tenant Protection Act*.

During our first year of operation, the Tribunal responded to 847,149 telephone calls, approximately 3,200 each day. After hours and on weekends, a toll-free number is also available for faxing time sensitive documents and for ordering any of our 30 public education brochures. Our brochures are available in English and French. Selected brochures on the most important topics are available in seven other languages; Tamil, Portuguese, Spanish, Punjabi, Italian, Chinese and Polish.

The Tribunal has its own website (orht.gov.on.ca) and responds to between 40 and 50 E-mail inquiries a week. All forms are available on the internet as well as through each District and Client Service Office.

STAFF OF THE TRIBUNAL

The Tribunal employs 282 staff and members. The three main categories include adjudicators, mediators and customer service representatives.

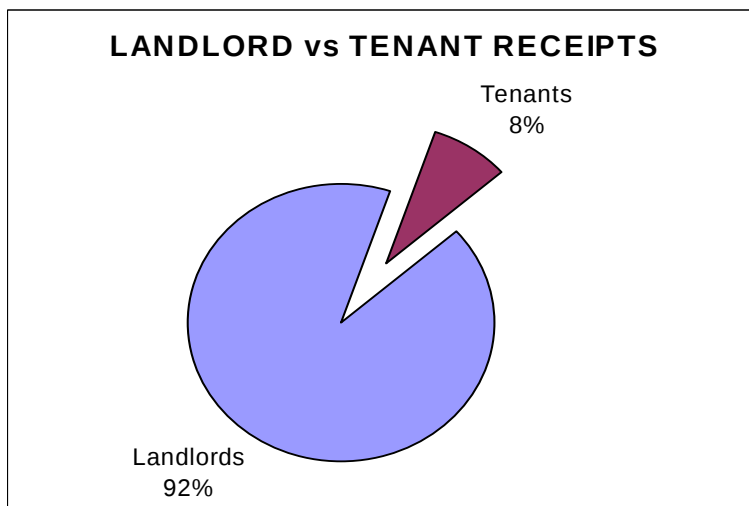
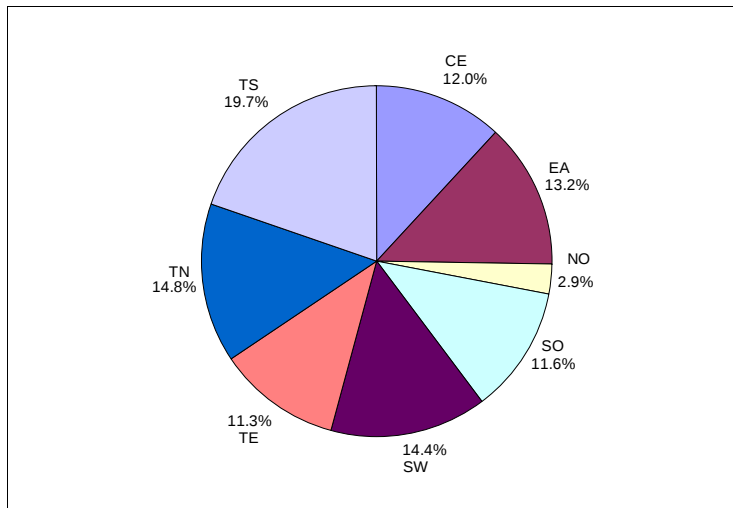
- The members of the Tribunal are appointed by the Lieutenant Governor in Council. An adjudicator reviews landlord and tenant disputes and rules on the basis of the evidence provided by the parties and in accordance with the *Tenant Protection Act*.
- Mediators use both their knowledge of rent regulation and negotiation skills to assist landlords and tenants in resolving their applications and their concerns before the hearing. Mediation is offered under the Tribunal's legislation and is often used to clarify issues and settle disputes so that the hearing may proceed more expeditiously. Mediated settlements are more flexible in content than Tribunal orders. This often aids parties in reaching a satisfactory conclusion to their difficulties.
- Customer Service Representatives are the Tribunal's front-line contact for drop-in customers and for telephone inquiries. Customer Service Representatives assist both tenants and landlords with completion of their applications and provide information on their rights and responsibilities.

Statistical Information for the First Year of Operations

The Tribunal's first year of operations has been a productive one. Based on previous receipt trends from the Courts, the Tribunal anticipated approximately 65,000 applications during its first year of operation. In fact, the Tribunal received 59,894 applications, or 93% of the forecast.

Total receipts for the first year of operation under the TPA had the following profiles.

(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;)



76% of the applications received by the Tribunal were for termination of tenancies because of arrears of rent. This translates into 83% of the landlord applications. Tenant applications for rent rebates, rent reductions and violations of tenants' rights accounted for 5.8% of the applications filed during the Tribunal's first year of operation.

Above Guideline Increase Applications

An average of 251 applications for Above Guideline Increases was received each year under the *Rent Control Act*. During the first year of Tribunal operations, 887 applications for Above Guideline Increases were filed. This increase was due to the provision in the Act for transitional capital expenditures and is not expected to continue. In the future, receipts of these Above Guideline Increase applications should fall to approximately 300 filings annually.

Harassment Applications

Tenants can make application 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 1,789 applications involving harassment in its first year of operation. Harassment application receipts were received by the districts proportionally to their total application workload. Of the 1,789 applications received, 320 remained outstanding at the end of the first year of operations.

Mediation

Our mediation efforts provide an alternative way of resolving disputes for clients and fosters communication between parties. Where mediation takes place beforehand, clients often resolve issues during the mediation which can actually reduce the length of the hearing and benefit both the client and our members.

Mediation was attempted in 17,900 cases. Mediators facilitated 14, 313 settlements or approximately 17% of the total resolutions during the year. As well, mediation efforts contributed to the withdrawal of almost 500 applications or motions.

During the next year of the Tribunal's operations, we will focus on improving these statistics by concentrating the mediators' efforts on more difficult and time consuming applications such as rent reduction, harassment and serious impairment of the safety of the other residents in a complex

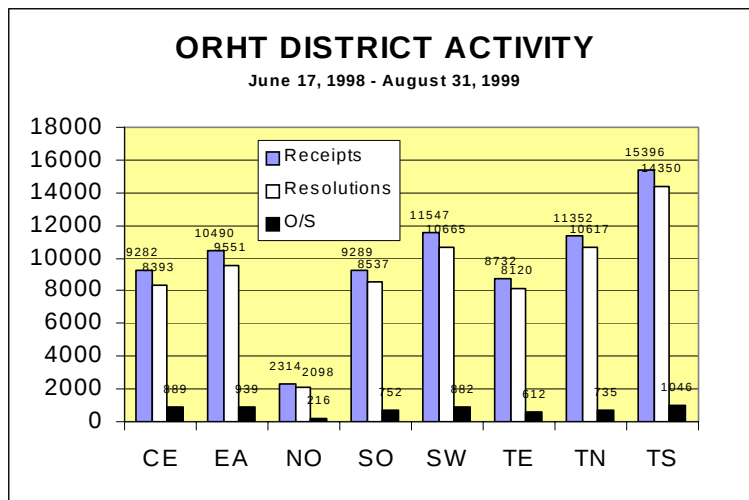
Reviews of Orders

The Tribunal received approximately 1,850 requests for review in its first year. These requests were related to 1,755 cases for a review rate of 3.6% of original orders. The Southwestern District has the lowest request for review rate at 2.5%, while the Central District Office has the highest at about 4.7%.

APPLICATION RESOLUTION

The Tribunal has been quite successful in resolving applications and not creating a backlog during our first year of operations. We have aimed for resolving one month's workload each month so that the outstanding balance is never greater than one month's receipts.

The chart below will indicate how receipts and resolutions have remained fairly 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.)

Telephone Inquiries

The Tribunal's provincial inquiry telephone system received a total of 847,149 telephone calls from clients during the first year of operation. This translated into a monthly average of 70,596. 774,857 calls (91.5%) were received during business hours. Monday continues to be the busiest day of the week and volumes gradually decline each day as the week progresses.

ORDER SUMMARIES

Below we have summarized some typical orders issued by the Tribunal during the first year of operations.

The tenants applied for an order to determine that the landlord failed to meet their maintenance obligations. The Member concluded that the tenants were without sufficient heat during the winter months, were without water for several days and the rental unit was infested with rats. The order granted the tenants an abatement in rent in the amount of \$1,650.00 plus the costs of the application. If the landlord failed to pay the full amount by the specified date, simple interest would be calculated on the outstanding balance.

**Landlord and Tenant Application (Joined) CEL- 04696 Sections 34 & 69
CET- 00464**

The landlord filed an application to terminate for non-payment of rent. The tenant applied for an order to determine that the landlord had failed to meet its maintenance obligations. The applications were joined.

The tenants did not pay their rent for a two month period from April 1, 1999 to May 31, 1999. The tenants presented undisputed photographic evidence of severe deterioration of both the wooden frame and the paint on the wooden frame of the front door and the entire garage door. The Member concluded that the landlord had not maintained the unit in accordance with reasonable standards and therefore refused to terminate the tenancy. The Member granted the tenants a rent abatement of \$1,320.00 less the arrears of rent for 2 months (\$1314,08). The landlord was directed to carry out repairs by a specific date, failing which, the tenant was authorized to arrange for the maintenance work and to recover the cost by deducting the amount from July's rent.

The landlord filed an application to terminate because the tenant failed to pay the rent that they owed. The tenant did not file a dispute and therefore a standard default order was issued. The default order terminated the tenancy and awarded arrears of rent and compensation in the amount of \$1979.39, per diem compensation in the amount of \$57.15 per day and the cost of filing the application in the amount of \$60.00. The tenant was ordered to pay all rent owing by April 19, 1999 in order to void the order. If the tenant did not pay the full amount owing by April 19, they would start to owe interest on the balance outstanding.

Landlord Application**EAL- 03552****Section 138**

The landlord filed an application to increase the rent by more than the guideline due to 8 capital expenditure items.

During the hearing, the tenants argued that they had received insufficient notice of the hearing. At this time, the tenants did not request an adjournment or an extension of time to make submissions after the hearing. The Member concluded that there was no “substantial” prejudice to the tenants as a result of receiving short notice of the hearing. The tenants also made submissions about maintenance concerns in their individual units and common areas. The Member did not consider these submissions, as the *Tenant Protection Act* does not include this issue as a relevant factor for a Section 138 application.

The Member found each item claimed by the landlord qualified as a capital expenditure, each item was completed in the appropriate time period, and none of the items were demonstrated to be unreasonable. Two receipts were not allowed as they did not relate to the buildings being considered in this application. The allowances for each of the capital expenditure items was apportioned equally to all

units in the complex. The order determined that the landlord had justified an increase above the guideline in the amount of 8%. Therefore, 4% was passed through in the initial year, and the remaining 4% was to be carried forward to the following year.

Landlord Application

TSL- 01301-SA-RV

SPPA

The landlord originally filed an application to terminate for non-payment of rent. The tenant did not file a dispute and a default order was issued. The tenant filed an application to set-aside the order which was denied. The landlord's agent asked for costs to be awarded in the amount of \$450.00 which was denied.

The landlord requested a review of the set-aside order with respect to costs. The landlord argued that the Tribunal erred in failing to consider established case law on the assessment of costs, in failing to conclude that the Costs Interpretation Guideline interferes with the "unfettered" discretion of a Member, by failing to declare the Costs Interpretation Guideline invalid, and by failing to apply the proper principles in assessing costs.

In the reasons, the Member says that the decision to award costs was discretionary. The Member concluded that the Costs Interpretation Guideline did not predetermine the Member's decision towards costs. It merely assists the Member in making a determination. The Tribunal does not have the jurisdiction to declare a Guideline invalid. Since many of the parties appearing before the Tribunal have limited means, the power to award costs should not be used in a way that would discourage parties from exercising their statutory rights. The request for review was denied.

The landlord filed an application to terminate as the tenant had been persistently late in paying the rent. The landlord presented evidence that there had been six occasions over a five year period on which the landlord had to serve Notices of Termination to obtain payment of rent. In their dispute, the tenant claimed relief from eviction due to maintenance issues.

In their reasons, the Member stated that to determine whether payments are persistently late, the number of occasions involved and the length of time over which the events took place must be considered. As well, the Member stated that it is relevant to consider if circumstances are such that the rent would continue to be late.

In the reasons, the Member listed three factors which resulted in the finding that the tenant was persistently late in paying the rent:

- ⇒ The tenant withheld their rent for 4 out of 5 months from the period of April 1998 to Aug 1998.
- ⇒ On 5 out of the 6 occasions when the landlord served notice of termination, the landlord was compelled to follow legal process to completion in order to obtain payment. The tenant deliberately withheld payment until the last moment when he had to either pay or be evicted.
- ⇒ The tenant had deliberately and repeatedly withheld rent in order to protest lack of maintenance.

Relief from eviction was denied on the grounds that it would be unfair to the landlord not to terminate and the tenants complaints did not constitute a serious breach of the landlord's responsibilities as contemplated in clause 84(2)a of the Act. The tenancy was terminated.

The landlord filed an application to terminate because the tenant had committed an illegal act. The landlord and tenant entered into a tenancy agreement before the proclamation of the *Tenant Protection Act*. The rent agreed to was an illegal rent. The landlord argued that by entering into a tenancy agreement for an illegal rent, the tenant had committed an illegal act and this was a ground for eviction.

In the reasons, the Member states that where an illegal act falls into an “innocuous” category, the Tribunal Member might find the act to be illegal but refuse the termination pursuant to section 84 of the Act on the ground that the “illegal act” did not have potential to affect the character of the premises or to disturb the reasonable enjoyment of the premises by the landlord or other tenants. However, the Member did not choose to invoke section 84 because to do so would be to imply that there was some merit to the landlords application. The Member dismissed the application because the illegal act was committed by the landlord not the tenant.

Tenant Application**TST- 00344****Section 144**

The tenant filed an application for a rent rebate since the landlord had failed to pay interest on the last month’s rent deposit. A deposit of \$750 was collected May 1, 1997, and was applied to the rent for September 1998. Therefore, 6% interest was owing to the tenant for the period from May 1, 1997 to August 31, 1998.

The order determined that the landlord had failed to pay the 6% interest required by the TPA. The landlord asked that the interest be offset because of claims made by the landlord. The Member concluded that there was no authority under Section 144 to off-set the interest. The landlord was ordered to pay \$60 in interest plus the cost of the application, since the landlord’s failure to pay the interest caused the tenant to file the application.

The tenant filed an application to determine whether the Act applies. The tenant leased property from the landlord with 30 year lease. The terms of the lease permitted the tenant to erect a cottage. The lease provided that the premises must only be used for recreational purposes on a seasonal basis. The tenant's principal residence was located elsewhere.

The tenant argued that since the rent on the property was raised when the *Rent Control Act* was in force, the provisions of the *Rent Control Act* should govern the Tribunal's decision. The tenant submitted that, since there was a 30 year lease and the property was occupied year round, the property should not be considered "seasonal or temporary".

The Member noted Section 223(2) of the *Tenant Protection Act* provides that the *Rent Control Act* will continue in force only for the purpose of disposing of certain types of applications which were filed under it. Since the tenant filed the application after proclamation of the *Tenant Protection Act*, the Member concluded that the *Tenant Protection Act* was the statute that should govern the proceedings.

The Member stated that the use of the words "temporary or seasonal" in Clause 3(a) of the *Tenant Protection Act* are meant to "capture situations where the property is not used on a permanent basis as a principal residence". The order concludes that, since the tenant has a principal address elsewhere, the rental unit is a cottage occupied for a seasonal period and is therefore exempt from the *Tenant Protection Act*.

The tenants filed an application for an order to determine whether the landlord had withheld the reasonable supply of water. The tenants submitted that they had

lived in a country home, since 1995. On October 15, 1998, the well went dry. The tenants attempted to correct the problem themselves by paying for 3,000 gallons of water to be dumped in the well. However, the well went dry again within 2 hours. When they notified the landlord, his first response was to tell them to move. The landlord looked into several options for temporary solutions, however, none of these options was feasible. The tenants were left with no water for close to two months.

The Member ordered the landlord to drill a new well by a specified date. The Member also ordered the landlord to pay the Tribunal a fine of \$1,000.00 for the landlord's lack of action and concern towards the tenants. The tenants were granted an abatement of rent in the amount of \$875.00. Simple interest would be calculated on the outstanding balance if the landlord did not pay the total monies owed, as directed.

Tenant Application

EAT- 00035

Section 35

The tenant filed for an order to determine whether the landlord had substantially interfered with her reasonable enjoyment of the rental unit. The tenant began to write letters to her landlord complaining about excessive noise in the apartment above, in March of 1990. During this time, three different tenants had lived in the unit above.

The tenant who lived in the above unit appeared at the hearing. The tenant testified that she led a quiet life. Aware of the complaints of the tenant below, she avoided creating excessive noise and had successfully taken steps to correct the noise created by the use of her washing machine. The Member found the testimony of the witness credible and reasonable.

The applicant presented evidence that she suffered from a medical condition exacerbated by stress and lack of sleep. However, the Member was unable to

conclude that the landlord was responsible for this stress. The landlord had repeatedly sent letters to the various tenants in the above unit. An order was issued dismissing the application. On the balance of probabilities, the Member was unable to find that the landlord had substantially interfered with the reasonable enjoyment of the rental unit by the tenant.

BIOGRAPHIES OF ADJUDICATORS

On the following pages, we have given you short biographies of each of the adjudicators who resolve disputes for the Tribunal.

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.

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

DAVID BRAUND

David Braund is a graduate of the University of Western Ontario (BA. 1971 and LLB 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. Since 1986, Mr. Braund has been the Rent Registrar for Ontario under the Rent Regulation 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 thirty 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. Her prior experience includes: serving 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 (London), founding member of Teen Girls' Home, Brain Tumour Foundation of Canada (Gus Macher Tournament), and the Advisory Committee of Collections, London Historical Museums.

MARY LEE

Mary Lee most recently served for 3 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 8 years. She also served in the Premier's Office, Correspondence Unit. Ms. Lee is an active member of the Society of Adjudicator's 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's program at Fanshawe College. Ms. Moore spent 12 years working in community legal clinics. She most recently served as a Vice Chair with the Social Assistance Review Board.

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, a Director of the Variety Club Telethon, and is currently the President of West Hill Community Services which is a volunteer board that caters to the needs of under privileged 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.

STANLEY CHAPMAN

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 as an Adjudicator with the Worker's Compensation Appeals Tribunal for 7 years.

ANDREAS VON CRAMON

Andreas von Cramon is a graduate of Osgoode Hall Law School. He practiced 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 has been a Member of the Ontario Consent and Capacity Board since 1996.

JANET DAVIES

Janet Davies has been working in the field of rent regulation since 1976 and has held a number of challenging positions, including that of a 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 her community. In addition, she has completed several courses relating to the residential rental environment, some of which include Real Estate, Property Management and Alternative Dispute Resolution.

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 predecessor housing legislations, and mediating Landlord and Tenant rental matters. Ms. Fahlgren's academic concentrations consisted of science and languages obtained through Nipissing University and the University of Toronto.

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 from Carleton University in 1991. Until her appointment to the Tribunal, Ms. Fabowalé coordinated the development of the policy and advocacy function at Oxfam Canada. She joined Oxfam Canada as Programme Development Officer in 1995 and gradually accepted wider organizational responsibilities. Other organizations she has worked for include: the Public Interest Advocacy Centre (Research Director), Ekos Research Consulting Associates (Research Analyst) and the International Development Research Centre (Professional Research Assistant). Her Master's thesis, An Empirical Analysis of Credit Terms to Female Entrepreneurs was a research project which the Canadian Federation of Independent Business commissioned 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).

STEVEN J. FAUGHNAN

Steven Faughnan received a Bachelor of Commerce degree from Concordia University and degrees in Civil (BCL) and Common Law (LLB) from McGill University. After his call to the Bar of Ontario, Mr. Faughnan practised civil litigation and represented both landlords and tenants in proceedings under the Landlord and Tenant Act. Since then, he has represented clients on mediation

and before administrative tribunals and has appeared on civil and commercial cases at Ontario Courts of all levels, including the Ontario Court of Appeal.

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 (University of Toronto) which was conferred upon Mr. Feldman based on his academic standing, his demonstrated concern for others, his perseverance, and his qualities of leadership. As a lawyer, he has acted on behalf of landlords and tenants in residential and commercial tenancy disputes and rent review applications. He has relevant experience in administrative law, civil litigation and residential real estate transactions. In addition, Mr. Feldman is an experienced educator.

JOHN GOODCHILD

Graduated from Queen's University in 1977 with LLB.; called to the Ontario Bar in 1979. Engaged in private practice in both Ottawa and Kingston until 1993. Employed by the Information and Privacy Commissioner/Ontario from 1993 to 1996, then engaged in private practice in the United States for two years. Employed by the Information Commissioner of Canada prior to being appointed to the Ontario Rental Housing Tribunal.

CHARLES GASCOYNE **(Part-Time Member)**

Mr. Gascoyne graduated from the University of Windsor (BA, 1983 and LLB, 1986). Mr. Gascoyne is a Member of the Board of Directors of the Essex Law Association and a number of other local community groups. Mr. Gascoyne is a part-time Member of the Tribunal and carries on practice in Kingsville, Ontario.

MURRAY WM. GRAHAM

Murray Wm. Graham is a graduate of York University (B.A. 1970) and Osgoode Hall Law School (LL.B. 1973). After his call to the Bar in 1975, he practiced 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.

DAVID J. GREGORY

David Gregory is a graduate of the University of Toronto (B.A.Sc. 1969, LL.B. 1972). Mr. Gregory carried on a general law practice in Brantford from 1974 until his appointment to the Ontario Rental Housing Tribunal. Mr. Gregory has served as a Deputy Judge of the Small Claims Court, and was a member for 13 years and Past Chairman of the City of Brantford Committee of Adjustment. Mr. Gregory is a Past President of the Brant Law Association and the Brant Curling Club, a former director of the Brantford Regional Chamber of Commerce, and a past member of the Brantford Economic Development Board.

SHAWN HAYMAN

Shawn 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 Board, and most recently as a Rent Officer with Rent Control Programs. She continues to be a member of the Rent Review Hearings Board.

DAVID HORROX

David Horrox served as an administrator in several departments in the federal government over many years, 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. Mr. Horrox is a graduate of York University (BA. Honours) and the University of Toronto (MA., Public Administration).

RICHARD ITTLEMAN

Richard Ittleman attended York University in Toronto, obtaining a Bachelor of Arts (B.A. Hons.) in History in 1975, and he received a Bachelor of Laws (LL.B.) from the University of Windsor in 1978. Mr. Ittleman practiced law until 1987 in the Greater Toronto Area, with a focus on civil litigation. Mr. Ittleman has been involved for a number of years in community volunteer work where he has undertaken a number of fundraising and other projects.

LINDA JOSS

Linda Joss commenced her career in the pioneer days of child care work. After 10 years in that field, she joined Metro Toronto's Community Services Department as a manager of hostels. During her years with Community Services, Ms. Joss managed and developed programmes in Metro's 4 major emergency shelters and consequently became very involved in the impact of evictions.

LAURIE KOCH

Laurie Koch received her BA. From the University of Massachusetts at Amherst (History/Literature) 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.

ROMUALD KWOLEK

Romuald Kwolek is a graduate of the University of Western Ontario (LLB, 1981). He has practiced law in the city of Sault Ste. Marie since 1983 and 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

Edward Lee is a graduate of McGill University (B.Sc., B.C.L., LL.B.), and has practised law in both Quebec and Ontario. He has also previously adjudicated with the Adjudication Directorate of Canada Immigration.

IAN MACINNIS

Ian MacInnis graduated 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 of the City of Kingston. Mr. MacInnis has also been in private practice as a Court Agent representing clients in Small Claims Court and out-of-court settlements.

DONALD MACVICAR

Don MacVicar is a transplanted Nova Scotian who graduated from Acadia University in Wolfville, Nova Scotia with a Bachelor of Business Administration, and from Dalhousie University in Halifax with his LLB and Master of Business Administration degrees. He was called to the Nova Scotia Bar, and to the Ontario Bar. For the past decade, Mr. Mac Vicar has been in private practice in the Toronto area working primarily as a criminal defence counsel.

J. STEVEN MCCUTCHEON

Steve McCutcheon is a graduate of Queen's University (B.A. 1979) and the University of Windsor (LL.B. 1985) and was called to the Bar of Ontario in 1987. He has practiced 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

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. Mr. McDermott received his Honours BA. (Economics) from York University.

SCOTT N.F. MCNEIL

Scott N. F. McNeil is a graduate of Lakehead University (B.A. 1972) and the University of Manitoba (L.L.B., 1978). He was called to the bar in Manitoba in 1979 and Ontario in 1981. He has practiced criminal and civil litigation in Thunder Bay from 1981. He is a part time Assistant Crown Attorney and a former standing agent for the Department of Justice. He is a member of the Law Society of Manitoba, the Law Society of Upper Canada, the Thunder Bay Law Association, and the Criminal Lawyers Association. He is a member of Norwest Gyro (and a past president), a former director of the Thunder Bay Children's Aid Society and Children's Services Foundation and former director and a past president of the Thunder Bay Thunderbolts Swim Club. He was appointed as a part time member of the Ontario Rental Housing Tribunal on August 24, 1998.

DONNA MCGAVIN

Member - Rent Review Hearings Board 1987 - 1994.

Vice-Chair - Social Assistance Review Board 1995 - 1998

Member - Appointed June 1999 Ontario Rental Housing Tribunal.

BRIAN L. RODENHURST

Brian Rodenhurst graduated from the University of Guelph with a Bachelor of Arts (Honours) and the University of Windsor with a Bachelor of Law. For 20 years he was in private law practice. 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, Vice-Chair of Administration and Finance.

JEFFREY ROGERS

Jeffrey Rogers graduated with a B.A. in English from the University of Toronto and an LL.B 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 an LLB degree in 1975. She has experience in private practice and in the representation of a child protection agency as in-house counsel.

SHERYL RUTH SENIS

Sheryl Senis has twelve 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 was Chair and/or Member of several committees, Social Development Council, Director; Pickering Hydro Liaison Committee, Vice-Chair; Personnel and Performance Appraisal Committee, to name a few.

CYNTHIA LYNN SUMMERS

Cynthia Summers is a graduate of McMaster University (BA, Political Science 1988, MSW, Social Welfare Policy, 1995). Cynthia has extensive experience in

the social service field working with a diverse clientele, She has worked with the mentally ill, social assistance recipients and mentally and physically challenged children and adults. Her experience includes having represented 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.

CATHERINE SKINNER

Catherine Skinner is a graduate of the University of Toronto, Faculty of Law and the University of Winnipeg, where she received a BA (Honours) 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.

DAVID G. TIMMS

David Timms is a graduate of the University of Western Ontario (B.A. 1980) and the University of Windsor (LL.B. 1983). He is a candidate for an LL.M. in Civil Litigation and Dispute Resolution with Osgoode Hall Law School. Mr. Timms has been practicing in the area of civil litigation and dispute resolution exclusively since his call to the Bar in 1985. He is a member of the Canadian Bar Association, the Arbitration and Mediation Institute of Ontario, The Advocates' Society and the Association of Trial Lawyers of America.

DIANE L. TINKER

Diane L. Tinker is graduate of McMaster University (BA.) and Queen's University at Kingston (LL.B). 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 6 years.

DAVID R. WRIGHT

David Wright is a graduate of Carleton University in Ottawa (BA. Honours in Public Administration). For the first 10 years of his career, Mr. Wright was a public housing property manager in Ottawa. He has spent the last eleven years in rent regulation, also in Ottawa. Mr. Wright has volunteered in various activities such as the Gloucester Public Library Board (Chair), various school advisory councils and the Kiwanis Club of Rideau.
