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What is Tenant Duty Counsel?

Tenant Duty Counsel (TDC) assists tenants who have a hearing scheduled at the Landlord and Tenant Board (LTB). TDC can:

- provide you with free legal advice
- may provide representation in some preliminary matters if you want to request an adjournment of your case or a motion to set aside a default order

Representation at a hearing would depend on the circumstances of your case. If you have a hearing date, contact us for information about the Landlord and Tenant Board and your legal rights and remedies.

Duty counsel can assist tenants in negotiation and mediation of a settlement or consent order.

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Who is involved with hearings at the LTB?

A Member of the LTB who has been appointed by the government of Ontario makes decisions on applications filed by landlords or tenants and is in charge of the hearing. S/he is called an Adjudicator. The Adjudicator's role is similar to that of a judge in that they hear the facts and evidence and make a final decision at your hearing based on this information.

The Applicant and Respondent are called parties to the Application. The party filing an application is called the Applicant. The party responding is called the Respondent.

The parties can represent themselves or have an agent represent them. An agent can be a lawyer, a paralegal, a friend or a relative. An agent must have written permission to act on behalf of an applicant or respondent.

If you are a tenant and have no representation, you may wish to speak to TDC before your hearing begins.

Often LTB provides mediation service. The Mediator's role is to assist tenants and landlords to resolve the matter.

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Your community legal clinic



Community Advocacy & Legal Centre

TENANT DUTY COUNSEL TIP SHEET

(UPDATED: JULY 2009)

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What if I need TDC Services?

Prior to the start of the hearing, Duty Counsel will put a sign up sheet on the hearing room door so tenants who want assistance can put their names down for help. Sometimes Duty Counsel is occupied giving advice to other tenants when the adjudicator calls you to your hearing. If you have not had a chance to speak to Duty Counsel when this happens, tell the adjudicator that you want to speak to Duty Counsel before you have your hearing.

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Where is the hearing held?

Your hearing notice will set out the location.

For Hastings, Prince Edward and some of Lennox & Addington tenants, hearings are held in Belleville at the Ramada Inn. Hearings are scheduled to start at 9:30 a.m. most Thursdays and Fridays. If you require assistance from Tenant Duty Counsel, you should arrive well before 9:30 a.m.

Tenants in eastern Lennox & Addington County usually attend LTB sittings in Kingston where a different TDC service is offered.

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What happens if we settle my case?

TDC can help you to prepare what is often called a "proposed consent order" which reflects the agreement you have reached with the landlord. You and/or TDC can go before the adjudicator and read the proposed consent order to the adjudicator. The adjudicator can then make an order that is binding on both parties.

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What happens if it goes ahead to a hearing?

If you are not able to resolve your matter, it will proceed to a hearing before the Adjudicator.

A hearing is like a trial. The Applicant will present evidence first. The Respondent then gets a chance to ask questions of the Applicant's witness(es). When the Applicant is finished presenting evidence, the Respondent will present evidence. The Applicant gets a chance to ask the Respondent's witness(es) questions.

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After the parties have presented all of their evidence to the Adjudicator, they should be given an opportunity to summarize the case and any legal arguments for the Adjudicator.

Sometimes the Adjudicator will tell you what his/her decision is, and sometimes the decision will be "reserved" (will be given later). In both cases an order will be prepared and mailed to both parties by the LTB.

If a party disagrees with the decision there is a further process for review by the Board. You should contact our office or the LTB if you need more information about this process.

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Contact Information for the Landlord and Tenant Board Regional Offices

Staff at the regional offices can give you information about the Board and the law, but do not give legal advice.

Toronto East - Durham Regional Office
(for Hastings & Prince Edward County tenants)
2275 Midland Avenue, Unit 2
Toronto, Ontario M1P 3E7

Phone: 1-888-332-3234
Fax: 1-888-377-8808

Website: <http://www.ltb.gov.on.ca/>

Ottawa – Eastern Regional Office
(for east Lennox & Addington County tenants)
255 Albert Street, 4th Floor
Ottawa, Ontario K1P 6A9

Phone: 1-888-332-3234
Fax: 1-888-377-8805

If mailing or faxing documents to the Board, send them to the Regional Office serving your area. Service Ontario locations (below) are for in-person filings only.

Service Ontario Locations (for picking up forms or filing documents in person):

Bancroft: 50 Monck Street

Belleville: Century Place Mall, 199 Front Street

Tweed: 255 Metcalf Street (open Mondays only)

Kingston: Ontario Government Centre, Beechgrove Complex, 51 Heakes Lane, Main Floor

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