

The Landlord and Tenant Board (LTB) process

Evidence, Hearings, and the Impact of Bill 60

Ademofe Oye-Adeniran | June 16, 2026

About the Canadian Centre for Housing Rights (CCHR)

CCHR is Canada's leading organization working to advance the right to housing.
We do this through:



SERVICES

Empowering renters to claim their rights and stay housed.



EDUCATION

Sharing knowledge and tools that transform lives.



POLICY ADVOCACY

Engaging with communities and proposing realistic solutions.



RESEARCH

Creating knowledge and informing evidence-based solutions.



LAW REFORM

Advancing housing rights legal frameworks.

Goals for this training

1. Understand how evidence is used at the LTB
2. Identify what “good evidence” looks like
3. Recognize common evidentiary pitfalls
4. Understand key housing law changes under *Bill 60*
5. Know where to send clients when they need help

Why Evidence Matters

“Evidence is the information that is presented to a decision-maker to establish the facts on which the decision-maker is to base his or her decision.”

(Sossin, Macaulay & Sprague, Practice and Procedure Before Administrative Tribunals)

The LTB is a quasi-judicial tribunal. Decisions are based on:

- Documents
- Oral testimony
- Credibility assessments
- Circumstantial evidence

Legislative Framework

Statutory Powers Procedure Act (SPPA)

- Governs admissibility of evidence
- Right to call and cross-examine witnesses
- Evidence must still be relevant and fair
- Provides authority to limit further examination
- Explains details regarding obtaining evidence, such as disclosure orders

Residential Tenancies Act (RTA)

- Requires expeditious and fair hearings that give parties an opportunity to know the issues and be heard
- Provides for fact finding powers
- Provides cues for what is relevant in specific context: i.e. N12
- Section 183: fairness + efficiency must coexist

Ontario Evidence Act

- Limited role in LTB context**
- Offers guidance on whether parties can be compelled to testify or provide evidence.
- Spousal privilege
- Prior inconsistent statements

Admissibility of Evidence

Statutory Powers and Procedures Act:

“**15(1)**... a tribunal may admit as evidence at a hearing, whether or not given or proven under oath or affirmation or admissible as evidence in a court,

(a) any oral testimony; and

(b) any document or other thing,

relevant to the subject-matter of the proceeding and may act on such evidence, but the tribunal may exclude anything unduly repetitious.”

LTB members have a discretionary power to admit

Kalin v. Ontario College of Teachers 2005 CanLII 18286 (Div. Ct.):

Determining Discretion to Admit

- It was within the tribunal's discretion to accept in evidence the transcript of testimony given at the criminal trial in lieu of having a witness provide viva voce evidence before the Tribunal
- [41]....the Tribunal should consider all the relevant circumstances before determining it will do so. Relevant factors would include, for example, the nature of the proceedings, the seriousness of the charge, the nature of the evidence to be tendered, the reason for tendering the transcript rather than calling the witness, any hardship to the witness if required to testify in person, and any prejudice to the party subject to the complaint.

Types of Evidence

Documentary evidence:

- Rent receipts / ledgers
- Bank statements / e-transfers
- Notices (N4, N5, N12)
- Emails/texts
- Maintenance requests
- Medical records

Types of Evidence

Oral or testimonial evidence

- witnesses at a hearing
- affidavits
- can include transcript of evidence from a prior proceeding

“Real” evidence (or physical evidence)

- photographs, video or audio recordings, physical things

How the LTB Assesses Evidence

Burden and Standard of Proof

- **Standard: Balance of probabilities**

“the trial judge must scrutinize the relevant evidence with care to determine whether it is more likely than not that an alleged event occurred.

(at para 9, F.H. v. McDougall, 2008 SCC 53, cited in Toronto Community Housing Corporation v. McGowan (Div. Ct.) [HOU-D-09959] as applying to LTB proceedings)

- **Burden: Applicant usually bears the burden (i.e. a landlord must prove grounds for termination)**
 - In some circumstances, burden may shift during hearing

How the LTB Assesses Evidence

Burden and Standard of Proof

Adjudicators consider:

- Consistency of evidence
- Corroboration across sources
- Plausibility of the story
- Interest or bias

Credibility vs Reliability

Credibility: honesty of witness

Reliability: accuracy of memory/perception

Important:

- A credible witness can still be unreliable
- Inconsistencies must be assessed in context
- Evidence is assessed as a whole

Hearsay

- Statements made outside the hearing used for truth
- Generally admissible at LTB (SPPA s.15)
- Weight depends on reliability

Risk:

- Untested hearsay can create fairness issues
- Especially if it is central to the outcome

Cross-Examination

SPPA s. 10.1:

- Right to call witnesses
- Right to present evidence
- Right to cross-examine

Limits:

- Can restrict irrelevant questioning
- Cannot block questioning on material issues
- Key principle:
Parties must have a fair chance to challenge evidence

JUDICIAL / OFFICIAL NOTICE

R. v. Le, 2019 SCC 34 (CanLII), [2019] 2 SCR 692 at para 84: a court may “take judicial notice of facts that are either: (1) so notorious or generally accepted as not to be the subject of debate among reasonable persons; or (2) capable of immediate and accurate demonstration by resort to readily accessible sources of indisputable accuracy”

The LTB may rely on facts that are:

- **Commonly known**
- **Easily verified**
- **Within tribunal expertise**

Examples:

- **Housing scarcity**
- **The COVID-19 pandemic or Pandemics generally**

Common Tenant Evidence Problems

- No receipts or written agreements
- Verbal-only arrangements
- Disorganized screenshots/photos
- Late disclosure of evidence
- Digital access barriers
- Language or disability barriers

Examples of evidence that should be submitted:

- Bank records + rent ledger
- Photos + written complaints
- Messages + witness statements

Section 83 – Relief from Eviction

Board must consider:

- All circumstances
- Tenant hardship

Examples:

illness, domestic violence, job loss, disability, financial instability

Role of Social Service Workers

Workers can:

- **Document support interactions**
- **Write support letters**
- **Help organize evidence early**
- **Encourage written communication**
- **Help preserve digital records**
- **Refer to legal supports early**

Bill 60

What is Bill 60?

The Government of Ontario introduced Bill 60; *Fighting Delays, Building Faster Act* on **November 2025**, proposing changes to 16 laws, including the *Residential Tenancies Act* and LTB processes.

The proposed changes include:

- Removing compensation for renters being evicted in certain situations;
- Standardizing eviction notices;
- Shortening eviction timelines for rent arrears;
- Limiting the time available for appeals/reviews for LTB decisions;
- Curtailing renter rights to raise issues at rent arrears hearings; and
- Other administrative changes to fast-track eviction processes.

Bill 60

Background

- Bill 60 is now law. It received Royal Assent on November 27, 2025. However, not all sections of the bill are immediately enforceable.
- Some details will be filled in by regulation later.
- Regulations are made by the government (Cabinet) after Royal Assent, (often with public consultation) and then published so they are also legally binding.
- Until those regulations are drafted and filed, parts of Bill 60 won't fully take effect (so watch for updates).

Bill 60 continued

Key Changes

Faster Evictions for Non-Payment

- N4 notices are now effective after 7 days (vs. 14) before filing with LTB.
- gives tenants only 7 days to pay any rent owing in the N4 notice before the landlord can apply to the LTB for an eviction hearing. (September 21, 2026)

Required Tenant Payment Before Defences

- Tenants must pay 50% of rent owed before raising tenant rights issues at an arrears hearing.

Section 83

“Section 83 of the Act is amended to provide that the power of the Board under clause 83 (1) (b) of the Act is subject to any prescribed limitations and conditions”

Bill 60 continued

Key Changes

Shorter Review Deadlines

- Tenants now have 15 days to request a review of an unfavourable LTB decision (down from 30). (July 1, 2026)

N12 Evictions Changed

- If at least 120 days' notice is given ending at term end, no compensation required.
 - (On September 21, 2026)

Regulation-Dependent Changes

Regulations are needed to make certain parts functional:

Persistent late payment definition: tenants won't know what counts as "persistent" until regulations define it.

Set-aside conditions: the LTB's ability to set aside or postpone eviction orders depends on future regulations.

Bill 60: Regulatory Timeline & Advocacy Opportunity

Why This Matters

- Most of Bill 60's provisions are moving through the regulatory process
- Full implementation has not been completed
- Municipal councils (including Kawartha Lakes, Toronto, and Hamilton) have already written to their MPPs and the Attorney General
- Advocacy efforts can focus on mitigating harmful impacts on tenants and access to justice

Getting Help

Getting Help

KNOW YOUR RIGHTS: Rental Housing Basics

This document provides a summary of Ontario housing law and tenant rights. This information does not constitute legal advice. For legal advice, please contact a lawyer or your local community legal clinic.

Ontario laws like the Residential Tenancies Act and the Human Rights Code establish certain rights for most renters. These rights include:

- RENT INCREASES**
Landlords must provide tenants with 90 days' notice of a rent increase. They must not increase the rent by more than the province's "rent increase guideline" amount, and not more than once per year, unless they have an Order from the Landlord and Tenant Board.
- EVICTION**
Only the LTB can carry out an eviction, and only with an Order from the Landlord and Tenant Board. An eviction notice is not an Order. It is the first step in a process that may lead to an Order, usually after several months. Neither landlords nor the police can evict tenants.
- MAINTENANCE & PRIVACY**
Maintenance: Landlords must carry out and pay for repair work that keeps the unit in a state of good repair. It is for living in and complying with all applicable building standards. This includes pest control. Tenants must pay to repair damage that they caused on purpose or through carelessness. Privacy: Unless the tenant agrees, or there is an emergency, landlords must give 24 hours' written notice before entering a unit.
- FREEDOM FROM DISCRIMINATION**
Tenants must have equal access to rental opportunities and enjoyment of their rental unit without discrimination based on protected human rights "grounds". These grounds include race, colour, creed, sex, sexual orientation, gender identity, age, family status, disability, and receipt of public assistance.

KNOW YOUR RIGHTS: Record Keeping for Tenants

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If you are having problems with your landlord, you or your landlord may apply to the Landlord and Tenant Board. If someone has broken a law, you need to give the LTB evidence to record what happens between you and your landlord.

Keep notes of who said what, the date it happened, and other key dates. Write, text or email, and keep a copy of your landlord sends to you. Keep notes of who said what, the date it happened, and other key dates. Write, text or email, and keep a copy of your landlord sends to you.

KNOW YOUR RIGHTS: Eviction Prevention

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A landlord must follow a special process to evict a tenant protected by the Residential Tenancies Act:

- The landlord provides an eviction notice (called "Notice to End your Tenancy") to the tenant.
- The landlord files an "Application to End a Tenancy" with the Landlord and Tenant Board (LTB).
- The tenant receives a Notice of Hearing and the Application from the LTB and receives access to the Tribunal's Online Portal.
- The LTB holds a hearing and makes a decision. If it is concluded that an eviction would be legal and not unfair, it will issue an Eviction Order with an eviction date.
- The LTB makes a decision. If it is concluded that an eviction would be legal and not unfair, it will issue an Eviction Order with an eviction date.

The landlord cannot make the tenant leave their unit or change the locks themselves. However, if the tenant refuses to leave by the eviction date on the Eviction Order, the landlord can ask the Sheriff to enforce the Eviction Order and change the locks.

KNOW YOUR RIGHTS: Human Rights in Housing

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Under the Ontario Human Rights Code, tenants are protected from discrimination based on their:

- Citizenship, race, place of origin, ethnic or national ancestry
- Sex, sexual orientation, gender identity or expression
- Disability
- Age
- Creed
- Family status and marital status
- Receipt of public assistance

Code provisions do not apply in certain housing situations. For example, when a landlord and tenant share a kitchen or bathroom.

The Code's protections mean that landlords must:

- Not discriminate against tenants based on Code grounds.
- Accommodate tenants' needs related to Code grounds.
- Not harass tenants, or allow tenants to be harassed, based on Code grounds.

Getting Help

Property Standards

- Phone: 311

Canadian Centre for Housing Rights

- Website: housingrightscanada.com
- Phone: 416-944-0087

Rental Housing Enforcement Unit

- Phone: 416-585-7214

Local legal clinic and resources

- Website: legalaid.on.ca/legal-clinics

Questions?

Keep in touch



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