

Law Times

Tribunal system 'in crisis,' group says

The group's concerns come after a surge of complaints last year



Wade Poziomka

BY Anita Balakrishnan 20 May 2020

Share

Vacancies on administrative tribunals in Ontario, paired with the recent departure of key leaders, has left the justice system unable to meet mandates or service standards, according to a watchdog group.

The group, called [Tribunal Watch Ontario](#), says it includes ““a growing group of academics, civic leaders, advocates and past tribunal members.” Tribunal Watch released a “Statement of Concern,” shared by Ross & McBride LLP human rights lawyer Wade Poziomka on social media.

The group says the number of adjudicators has fallen to 87 from 160 over the past two years in the Environmental Review, Human Rights, Landlord and Tenant, and Social Benefits tribunals.

“Experienced adjudicators were let go, large numbers of vacant adjudicator positions were left unfilled, and key tribunal leadership positions were either left vacant or filled with people with responsibilities for too many tribunals,” said the statement from the group.

“The lack of any predictability about reappointments, combined with a general demoralization about the deterioration of the sector, has necessarily caused large numbers of adjudicators to leave for less precarious employment, adding to the shortage.”

The recent pandemic has left more people in Ontario feeling vulnerable and in need of legal protection offered by the tribunals, the group’s statement said.

“Now more than ever tribunals need a full complement of highly qualified adjudicators,” said the group. “The tribunals in Tribunals Ontario will play a critical role as we move forward. They will have to change how disputes are resolved and make important decisions about rights and obligations in the continually changing context of the pandemic. To do this, they need to be fully functioning. The mismanagement of Tribunals Ontario over the last two years, leading to a severe reduction in adjudicative capacity and competence, rising backlogs, demoralization of those who are left, and a leadership vacuum, means that these tribunals are nowhere near being able to function fully.”

The group’s statement comes after an [overhaul of the province’s tribunal system](#) set out to streamline the system amid complaints.

Poziomka raised the issue of vacancies and short-term appointments to tribunals with [Law Times last year](#), noting there is a learning curve to becoming an adjudicator, and that constantly [coming before new adjudicators](#) can be anxiety-inducing for clients. In 2019, Ontario Ombudsman Paul Dubé reported a [“historic” surge in complaints](#), including hundreds of complaints about delays and decisions across the province’s 37 administrative tribunals.

However, last summer, the Human Rights Tribunal was aiming to do a “blitz” of adjudications to address the backlog. The Ombudsman is currently [investigating delays](#) in Landlord and Tenant Board proceedings.

In April, the government [announced new members](#) of the Consent and Capacity Board and several professional colleges, as well as one appointment to the License Appeal Tribunal, which is actively recruiting on social media.