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# Welcome to the 2025 FOLA Spring Plenary

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Call to Order

Welcoming Remarks from the  
Chair Allen Wynperle

Roll Call of the Presidents





# Welcoming Remarks TLA President Anna Wong



## Committee Chairs' Reports

Family Law – Laura Oliver and  
Logan Rathbone

Real Estate – Mark Giavedoni

Legal Aid Committee – Terry  
Brandon





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# REAL ESTATE COMMITTEE REPORT: Summary of Real Estate Issues and Activities from May, 2024 to April, 2025

Coordinated by  
Mark R. Giavedoni, Certified Specialist (Real Estate)  
Real Estate Committee Chair & 2<sup>nd</sup> Vice-Chair

May 15, 2025

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## Director of Titles' Bulletins and Information Sessions

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# Verification of Client Identification



# Federal Trust Reporting Requirements



# Changes to Non-Resident Speculation Tax and Land Transfer Tax



# The Underused Housing Tax (Canada)



# Amendments to Capital Gains



# Tariffs and Investment in Real Estate



# Proposed Rescission for Freehold New House Construction



# Digital Certification



# Vacant Unit Taxes



# NOSIs, Third Party Appeals to OLT, etc.





# Wiring of Funds



# Questions?

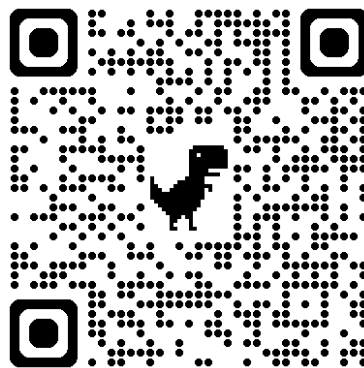




## Mark Giavedoni

Certified Specialist (Real Estate)  
Real Estate Committee Chair  
& 2<sup>nd</sup> Vice-Chair

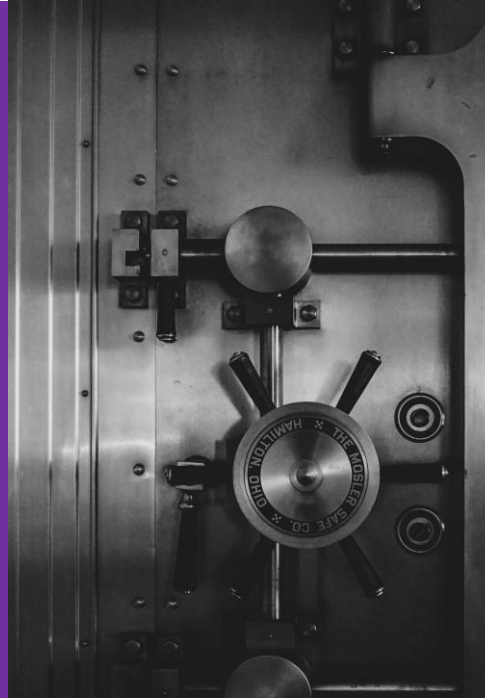
[mark.giavedoni@gowlingwlg.com](mailto:mark.giavedoni@gowlingwlg.com)





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# Treasurer's Report



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# Break

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# LiRN Update



# Special Topics: Tribunal Delays

# Human Rights Tribunal of Ontario:

## Justice Delayed and Denied

Kathy Laird  
FOIA May 2025

### Drop in Incoming Cases; Stubborn Backlog

	# NEW APPLICATIONS FILED ANNUALLY	BACKLOG AT THE END OF FISCAL YEAR
2024/25	4,498	8,446
2023/24	3,687	8,546
2022/23	3,425	9,527
2021/22	3,751	9,049
2020/21	4,321	

## Merit Decisions Years after Filing

### Merit Decisions released in 2023/24:

- Approximately 75% were Applications filed in 2019 or earlier

### Merit Decisions released in 2024/25

- Approximately 85% were filed in 2020 or earlier

## Backlog Continues Despite Increased Resources

- ❑ \$20 million plus for new case management system
- ❑ Significant expansion of administrative staff
- ❑ More adjudicators since 2020
  - March 2019 – approximately 43 adjudicators
    - ✓ 19 Full Time and 24 Part Time
  - March 2020 – approximately 32 adjudicators
    - ✓ 13 Full Time and 19 Part Time
  - March 2024 - approximately 45 adjudicators
    - ✓ 15 Full Time and 30 Part Time
  - Since March 2024, 30 more adjudicators, - approximately 70
    - ✓ 19 Full Time and 51 Part Time Adjudicators

## Increase in Cases Dismissed Without an Oral Hearing

DECISIONS	2017/18	2023/24	2024/25
Final Decisions – Total	902	1,450	
Final Decisions after Merit Hearing	97	40	75?
Dismissals after Summary Oral Hearing	90	43	
No-Hearing Dismissals (Jurisdictional /Procedural)	610	1,344	
No-Hearing Dismissals (Jurisdictional or Procedural) based on Finding of Abandonment	374	1083	
Abandonment Dismissals as:			
• % of all Final Decisions	41%	75%	

## Demand for Legal Submissions After Years of Delay

- *Thompson v. Toronto Transit Commission (TTC)*, 2024 HRT0 1576: Application filed in 2019; the pleadings were complete as of October 2020. Four years later, the Tribunal sent the applicant an RAS asking for submissions on jurisdiction within 14 days.
- *McCarthy v. Ontario Nurses Association*, 2024 HRT0 1312: Application filed in 2019. Four years later, the Tribunal sent the applicant a NOID requesting submissions on jurisdiction within 30 days.
- *R.G. v. Toronto (Police Services Board)*, 2024 HRT0 1458: Application was filed in 2017. The respondents filed *Charter* submissions going to jurisdiction in February 2023, 6 years later. The Tribunal did not address these submissions until September 2024, when the Applicant was directed to file a response in 28 days.

In each of these cases, the application was dismissed as abandoned when the applicant didn't meet the deadline.

## Test for Jurisdiction Changed

- In the past, the HRT0 applied a “plain and obvious” test to determine if an application fell within its jurisdiction before dismissing an application without an oral hearing.
- Consistent with s.43(2)1 of the Code which provides that an application within the Tribunal’s jurisdiction “**shall not be finally disposed of without affording the parties an opportunity to make oral submissions**”.
- Since January 2021, the HRT0 has dismissed without an oral hearing on a balance of probabilities test. if it is more likely than not that the HRT0 lacks jurisdiction. July 2021 Practice Direction.
- Dismissal decisions follow a direction (by NOID, CAS, RAS, Endorsement, etc.) to file written submissions satisfying the adjudicator, that the applicant will be able to prove a causal connection between the negative treatment reported and a ground of discrimination.

## Reconsideration Decisions: More HRT0 Admin Errors Leading to Dismissals

2023/24:

- 39 overturned dismissals
- 29 were based on a finding that the HRT0 had failed to upload newly-required submissions filed by the Applicant. 74%

2024/25 Q1:

- 11 overturned dismissals based on a failure to upload Applicant’s submissions. 86%

2016/17:

- Only 5 overturned dismissals based on HRT0 administrative error



## Rigid Enforcement of Procedural Requirements

Applications have been dismissed as abandoned where:

- The Applicant failed to follow a direction to copy the Respondent on an extension request
- The Applicant filed a Response to a Request for Additional Submissions using a Form 11 instead of a Form 3.
- The Applicant filed documents as required, twice, but the copies were difficult to read.
- The Applicant filed witness statements before a hearing but not in the correct format.

## The Landlord and Tenant Board

Special Topic: Tribunal Delays  
FOIA Spring Plenary 2025

Samuel Mason  
Tenant Lawyer Professional Corporation

## *Residential Tenancies Act, 2006*

### **Board's jurisdiction**

**168 (2)** The Board has exclusive jurisdiction to determine all applications under this Act and with respect to all matters in which jurisdiction is conferred on it by this Act. 2006, c. 17, s. 168 (2).

### **Expeditious procedures**

**183** The Board shall adopt the most expeditious method of determining the questions arising in a proceeding that affords to all persons directly affected by the proceeding an adequate opportunity to know the issues and be heard on the matter. 2006, c. 17, s. 183.

### **Findings of Board**

**202 (1)** In making findings on an application, the Board shall ascertain the real substance of all transactions and activities relating to a residential complex or a rental unit and the good faith of the participants and in doing so,

- (a) may disregard the outward form of a transaction or the separate corporate existence of participants; and
- (b) may have regard to the pattern of activities relating to the residential complex or the rental unit. 2006, c. 17, s. 202.

## *Shapiro v. Swingler, 2021 ONSC 6191 (CanLII)*

[39] In this case, in my view, procedural fairness is at the higher end of the spectrum. Although the Board holds relatively informal hearings, in accordance with section 184 of the *Residential Tenancies Act, 2006*, it is nevertheless required to hold hearings that are subject to the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22. In addition, section 183 of the *Residential Tenancies Act, 2006*, emphasizes that, while hearings are to be expeditious, “all persons directly affected by the proceeding [are to be given] an adequate opportunity **to know the issues and be heard on the matter**”. Where a landlord seeks to evict a tenant, the stakes are high for all parties. The decision maker is entitled to choose its procedure, including requiring that parties bring their evidence to the hearing. However, any such choices of procedure should not be applied rigidly. Ultimately, the issue is what is procedurally fair in the particular circumstances of the case.

[42] While I understand that the Board deals with a high volume of matters, the stakes for the parties are nevertheless high. It would be one thing if the Landlord had provided the Tenants its own evidence in advance of the hearing, but he did not. Ultimately, the Tenants were placed in the difficult position of having to respond to allegations of late payment of rent without the ability to demonstrate to the Member when they had made each payment and how much each payment was for. From my review of the Tenants’ banking records, it does appear that in 2019 almost all rent payments were made on the 9th of the month with some payments being made on the 11th. The Board made its decision in February 2020 without the benefit of this evidence.

*Magnacca v. Zoppo*, 2022 ONSC 5640 (CanLII)

[6] The LTB's factum filed on this appeal states that the LTB usually sends the application and notice of hearing to the parties by mail. Counsel for the LTB confirmed that it was the Board's practice to record that a notice of hearing was sent. However, in this case there is no record confirming service by the LTB of the Notice of Hearing on the parties.

[8] We have concluded that in these circumstances, the appellant/tenant has been denied procedural fairness and the appeal must be allowed and the eviction order of January 31, 2020 set aside.

*Timbercreek Asset Management Inc. v. Soufi*, 2024 ONSC 4041 (CanLII)

[21] With respect to both appeals, the appellant was not reasonably able to participate. On both matters, the appellant wished the opportunity to be heard. Appropriately applying the broad interpretation of natural justice in this regard, the appellant was denied the opportunity to be heard in both the 2019 hearing and the 2022 hearing. He was not reasonably able to participate in either hearing.

[22] The appellant has a completely reasonable explanation for his arriving late and missing the 2019 hearing, a flat tire. He conducted himself responsibly. Upon arriving, he learned that his hearing had concluded and that he would need to file a review. He sought legal advice and promptly filed a Request to Review.

[23] With respect to not participating in the May 10, 2022 video hearing, the appellant provided a reasonable explanation: he was not aware that there was a hearing. Although s. 191(3) of the *Residential Tenancies Act* provides that a notice given by mail shall be deemed to have been given on the fifth day after mailing, from the appellant's evidence it was apparent that if he received the notice, he did not understand it. By this point, he was represented by a lawyer and it is clear that he was deferring to his lawyer.

[24] The appellant has a disability. He has suffered from depression for many years. He received ODSP. His rent is almost wholly subsidized. It is reasonable to infer that eviction would leave him homeless. This constitutes a clear and appropriate application of the broad interpretation of being reasonably able to participate in the proceeding and on the facts of this case natural justice requires no less.

[25] The review orders are set aside and both matters are to be remitted back to the LTB for new hearings before differently constituted panels.

*Wright v. Lallion*, 2024 ONSC 4132 (CanLII)

[10] The Tenants submit that the LTB breached procedural fairness by denying the review request to give them a new hearing on the merits of the rental arrears, at which they could attend and make their case.

[11] The LTB has the authority to control its own process, and to do so efficiently, provided that it is also fair. The requirements for fairness are context-specific, including due regard for the LTB's procedural choices. The other relevant factors that inform what procedural fairness will require include the importance of the decision to the individuals affected by it and the legitimate expectations of the persons challenging the Decision. In this case, those persons submit that they expected, and fairness required, a hearing in which they could participate.

[12] "Being reasonably able to participate in the proceeding must be interpreted broadly, natural justice requires no less." *Zaltzman v. Kim*, 2022 ONSC 1842 (Div. Ct.), at para. 3, quoting *King-Winton v. Doverhold Investments Ltd.*, 2008 CanLII 60708 (ON SCDC). In *King-Winton*, the tenant wrongly believed the hearing was on a different date, even though the tenant had received proper notice. This Court granted the appeal and referred the matter back for a hearing.

[13] Having regard for the entire context of this particular case, I conclude that it was procedurally unfair to deny the review request at the preliminary stage, without a hearing. The central issue on the review was the denial of the right to be heard at the original hearing. Given the explanation put forward, and the Member's finding about confusion, the LTB should have proceeded to a review hearing rather than effectively denying the tenants a hearing twice.

*Ali v. Capreit*, 2025 ONSC 103 (CanLII)

[14] In *King-Winton v. Doverhold Investments Ltd.*, 2008 CanLII 60708 (ONSC Div. Ct.) though the tenant received proper notice of a hearing, the tenant made a mistake about when the hearing was to be held. A new hearing was ordered. At para. 3, the court said "[b]eing reasonably able to participate in the proceeding must be interpreted broadly, natural justice requires no less." This holding has been followed in other cases where a tenant is the party adversely affected by an inability to participate in a LTB hearing: *Zaltzman v. Kim*, 2022 ONSC 1842 (Div. Ct.) at para. 3; *Wright v. Lallion*, 2024 ONSC 4132 [2] at para. 12. Given the inherent vulnerability of residential tenants and the purpose of the RTA (see s. 1), this generous interpretation makes sense.

[15] In principle, I see little to distinguish a sincere confusion about the resolution of a hearing after speaking with the landlord's lawyer from a sincere confusion about the date of a hearing. Moreover, Ms. Ali has been diligent in pursuing a rehearing once she was notified of the initial decision.

## Bill 227, *Cutting Red Tape, Building Ontario Act, 2024* amended RTA s. 212

### **Substantial compliance sufficient**

**212** (1) Substantial compliance with this Act respecting the contents of forms, notices or documents is sufficient. 2006, c. 17, s. 212.

### **When error still constitutes substantial compliance**

(2) For greater certainty, an error in the contents of a form, notice or document still constitutes substantial compliance with this Act, as long as the error does not significantly prejudice a party's ability to participate in a proceeding under this Act. 2024, c. 28, Sched. 24, s. 1.

At third reading, the minister responsible explained the amendment to RTA s. 212 in these terms:

*One key initiative within this package proposes legislative changes to the Residential Tenancies Act ... we are proposing to clarify that the Landlord and Tenant Board can accept minor errors in applications, such as incorrect unit numbers, a misspelled name or referencing time periods in months instead of specific dates, as long as there is no reasonable confusion or significant prejudice to any party.*

*This is a clear example of our commitment to reducing red tape, improving efficiencies and responding to the Ombudsman's recommendations to address the situation with the Landlord and Tenant Board, delivering real results for Ontarians. It's a common-sense change that could prevent unnecessary delays caused by refile applications over trivial mistakes, enabling cases to move forward more efficiently.*

## Bill 10, *Protect Ontario Through Safer Streets and Stronger Communities Act, 2025*

Ontario regulation 42/25 comes into force on the later of October 1, 2025

### **Update Small Claims Court monetary limits**

*The maximum amount for a Small Claims Court case will increase from \$35,000 to \$50,000, which will provide more Ontarians with inexpensive access to justice and improve the civil justice system. In addition, the minimum monetary limit to appeal a Small Claims Court decision will be raised from \$3,500 to \$5,000.*

### **Monetary jurisdiction of Board**

**207** (1) The Board may, where it otherwise has the jurisdiction, order the payment to any given person of an amount of money up to the greater of \$10,000 and the monetary jurisdiction of the Small Claims Court. 2006, c. 17, s. 207 (1).

## Overview

- Governance Review Task Force
- LSO Connects
- Operational Updates
  - Professional Regulation
  - Key Competence Initiatives
- Resources for Lawyers and Paralegals
- Consultations



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de l'Ontario

## Governance Review Task Force

- Convocation has approved the Task Force's three-stage plan to implement recommendations in the O'Connor report and recommend broader governance changes
- Accelerated pace will see O'Connor recommendations implemented by June and a final report with recommendations by Fall 2025 to improve governance and strengthen accountability

LSO Connects

Percentage of licensees who met March 31 administrative obligations*			
	Annual Fee	Annual Report	CPD
Lawyer	93 %	92 %	98 %
Paralegal	86 %	86 %	96 %

\* As of April 2, 2025

LSO Connects



**Looking ahead:**

We want to hear from you

**Our goal:**

To enable self-service  
to minimize time spent on the  
administration of your licence

# Professional Regulation



## Professional Regulation Integrated Regulatory Model

### GOAL

- A dynamic and integrated regulatory model that reduces the areas of greatest harm posed by licensees to the public by elevating competence and disciplining misconduct

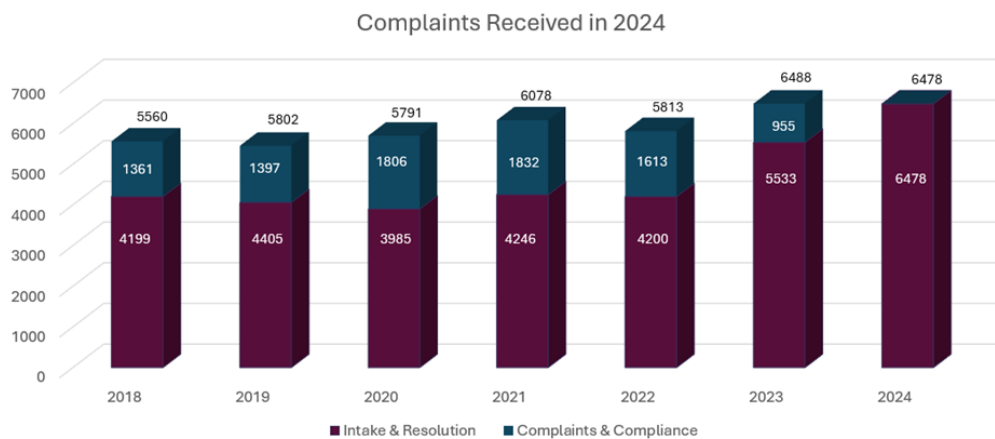
### THE STRATEGIC CHOICE

- To make an explicit commitment to an integrated regulatory model, a change from the status quo where competence (upstream regulation) and discipline (downstream regulation) are viewed as too distinct from one another
- To focus explicitly on the “greatest harm” that will necessarily involve operational responsiveness (i.e., as the sources of harm change over time)

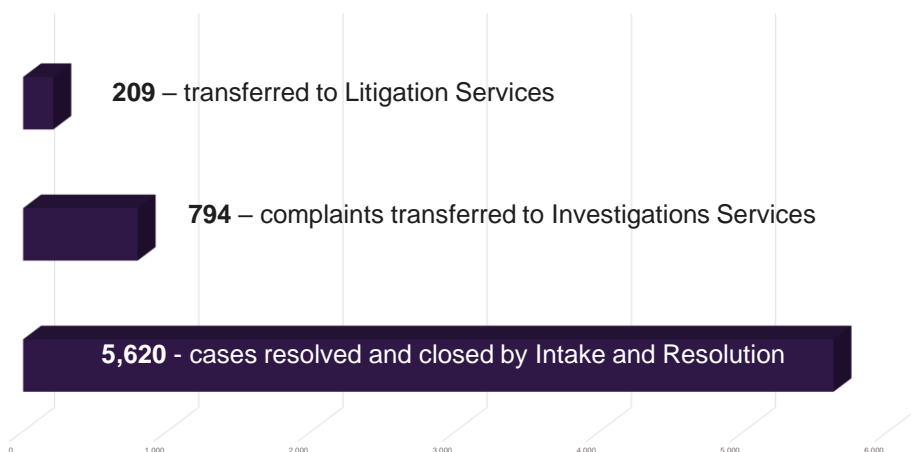




## Professional Regulation Complaints Received



## Professional Regulation Disposition of Complaints in 2024



## Professional Regulation Risk-based Approach



Timely resolution of low-risk complaints, for example those involving service issues



Earlier identification of whether interim measures are required to protect the public



Allocation of time and resources proportionate to the risk presented by the complaint.

## Professional Regulation Capacity Issues

- Continuing success in prioritizing the resolution of cases involving licensees with capacity issues without formal hearings
- Alternative measures include undertakings and testing protocols, and active engagement with the licensees where they are able and willing to work with the Law Society
- A total of 43 capacity cases were closed in 2024 and 37 of those cases (86%) were closed without proceeding to Litigation Services

## Key Competence Initiatives



### Key Competence Initiatives Family Legal Services Provider (FLSP)

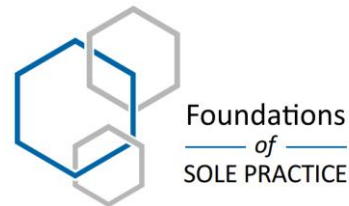
- Allows specially trained paralegals to provide certain legal services in family law
- 528 applications for the 120 places in the first program intake
- First cohort completed course work in April, with field placements in May, final assessment in June and authorizations to provide services in July



## Key Competence Initiatives Foundations of Sole Practice

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- Lawyers are paralegals declaring as sole practitioners for first time are required to complete this course
- Provides guidance on practical topics:
  - Setting up an office
  - Financial obligations
  - Billing practices
  - Managing employees
  - File management
  - Client communication
- Includes templates, checklists and other tools
- Open to all licensees



## Key Competence Initiatives Client Contingency Planning

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- Licensees in private practice are required to develop and maintain a client contingency plan
- Client contingency planning ensures plans are in place to protect clients if a lawyer or paralegal is suddenly unable to continue with a retainer
- We have developed a suite of resources to assist you – available on the LSO's website: [Client contingency planning - Lawyer | Law Society of Ontario](#)
- The Practice Management Helpline is available to answer questions

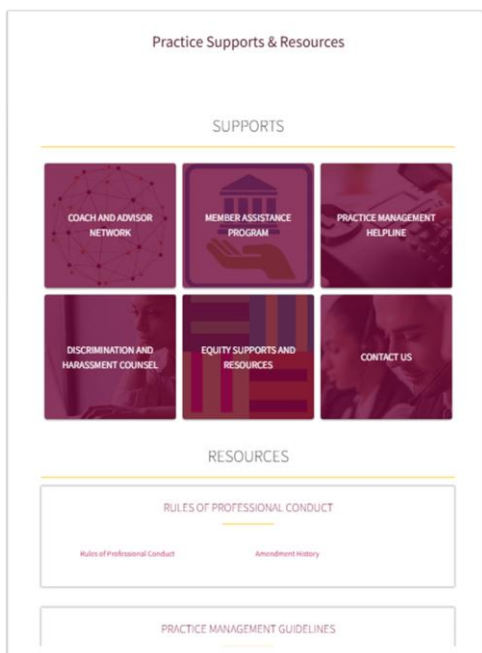
# Resources for Lawyers and Paralegals



## Resources for Lawyers and Paralegals Great Library

- Legal research support
- Document delivery service
- On-line databases and e-resources
  - AccessCLE
  - HeinOnline
  - Rangefindr - brought to you by LiRN
  - Canadiana
  - Great Library research guides
- Central support hub for courthouse libraries across Ontario





## Resources for Lawyers and Paralegals

### Practice supports and resources

#### New resources:

1. Client identification and verification questionnaire
2. Guide to client management
3. Guide to file management
4. Guide to navigating client capacity concerns
5. Responsible AI tool kit

## Resources for Lawyers and Paralegals



82% of coaching and 95% of advising participants were satisfied



96% were satisfied or very satisfied

## Current Consultations: Have your Say

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- Considering increased transparency: licensee reporting and disclosure to the public – consultation closed November 2024
- Indigenous cultural training course – consultation closes May 15, 2025
- Increasing access to justice options for appeals and judicial reviews – consultation closes May 30, 2025



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Email: [pbhatia@lso.ca](mailto:pbhatia@lso.ca)



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**LDD Connect**



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**Break: Find Your  
Breakout Session!**

**#1: Mandarin Ballroom (here)  
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#3: Shanghai Room, 25<sup>th</sup> Floor**

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## Kevin's Civil Rules Reform Roundtable

Kevin Cooke



Federation of Ontario  
Law Associations

## Curtis' Family Law Roundtable

Curtis Pineiro



# Real Estate Roundtable

Coordinated by  
Mark R. Giavedoni, Certified Specialist (Real Estate)  
Real Estate Committee Chair & 2<sup>nd</sup> Vice-Chair

May 15, 2025 (3:15 p.m.)

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## What is real estate, actually?



- Residential Conveyancing
- Estate Conveyancing
- Commercial Transaction
- Industrial Plants and Manufacturing Sites
- Logistics
- Leasing
- Residential Tenancies
- Construction
- Development
- Land Use Planning
- Expropriations
- Water Lots
- Recreational Properties
- New Construction
- Condominiums
- Regulated Purchase and Regulated Sales
- Real Estate Tax Issues
- Mortgage Enforcement
- Lending
- Banking
- Title Repairs
- Title Insurance



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## Fees: Dancing Among Liability, Complexity and Market



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## The Real Estate Lawyers Working Group Fee Schedule

- <https://www.lawyersworkinggroup.com/suggested-fee-schedule>
- Assessment of risk, complexity and liability
- Ask your colleagues
- Market is often hardest to understand, gauge or investigate



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## Resources:

What would make it easier on your members



- Communication flow
- Committee Membership
- Plugging into your Associations
- Updates

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Memos, Bulletins,  
Regulations and the Law



# How and where does real estate fit into your practice?



- Cash flow
- Who does the work?
- Do you have a clerk?
- Specialized real estate



# Questions?

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## Mark Giavedoni

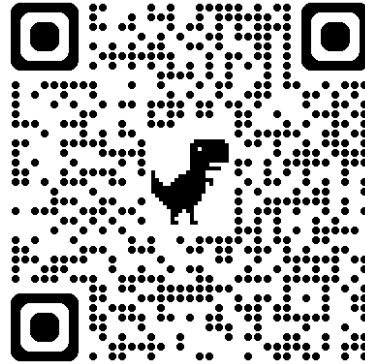
Certified Specialist (Real Estate)  
Real Estate Committee Chair  
& 2<sup>nd</sup> Vice-Chair

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Treasurer's Dinner

LAWPRO Hospitality Suite

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Annual  
General Meeting



Materials available at  
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KPMG documents have been  
emailed to you

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LEAP



# 30 Tips in 30 Minutes

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(ANYTHING GOES)





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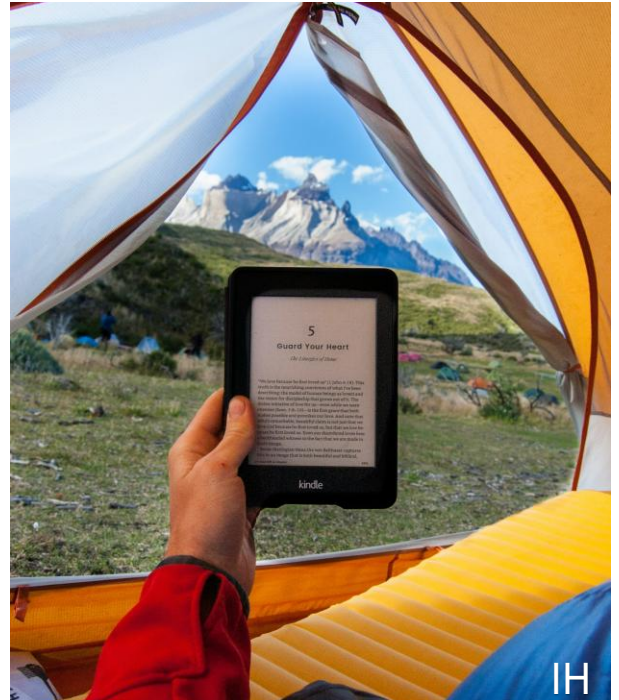
Complaint about a lawyer?  
Get a lawyer

MB





# Read With Kindle



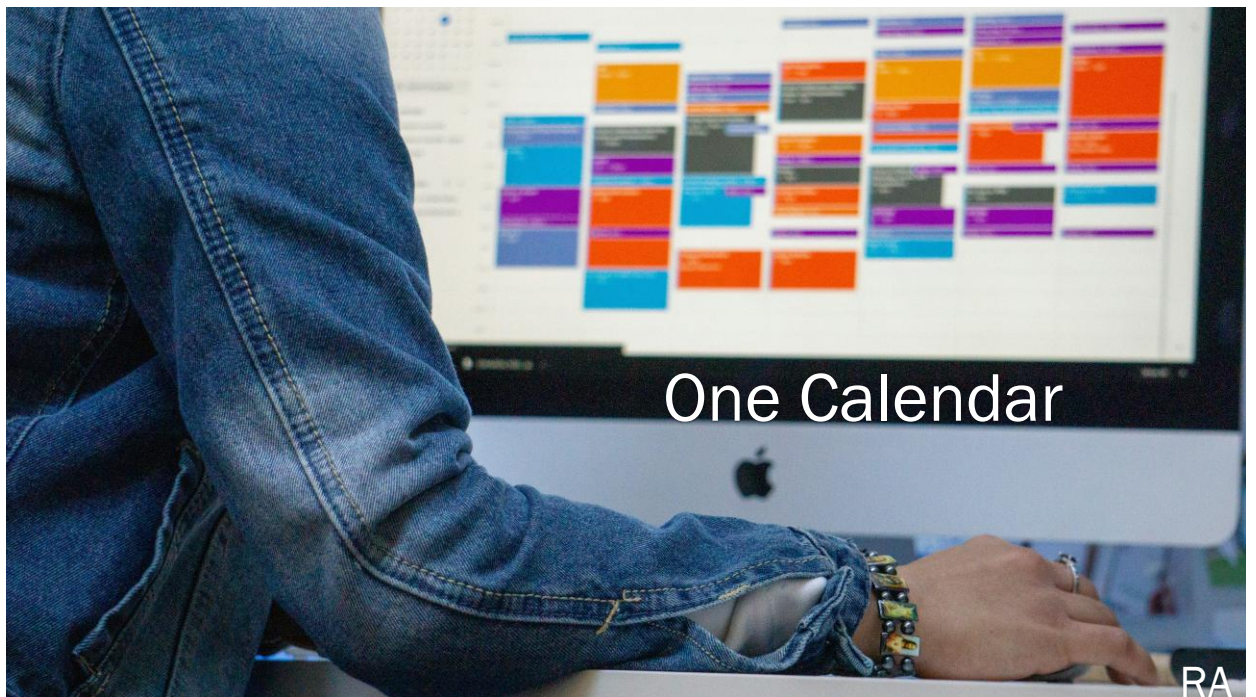
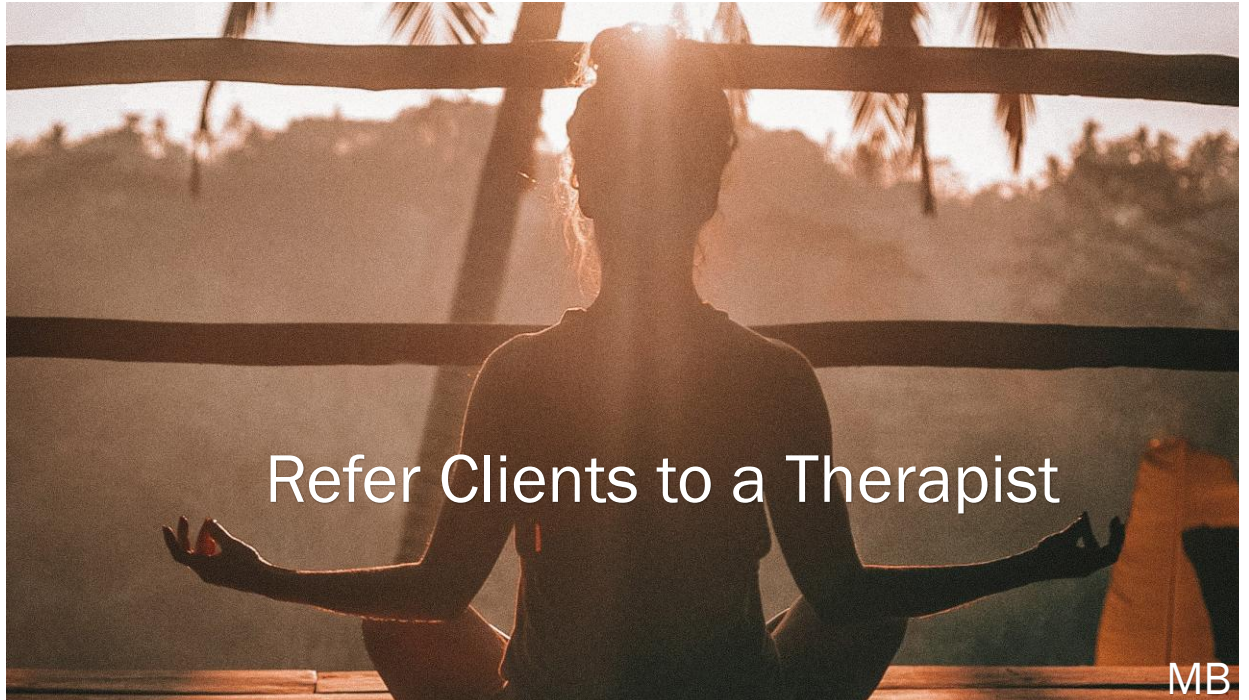
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# Be Impeccable With Your Word

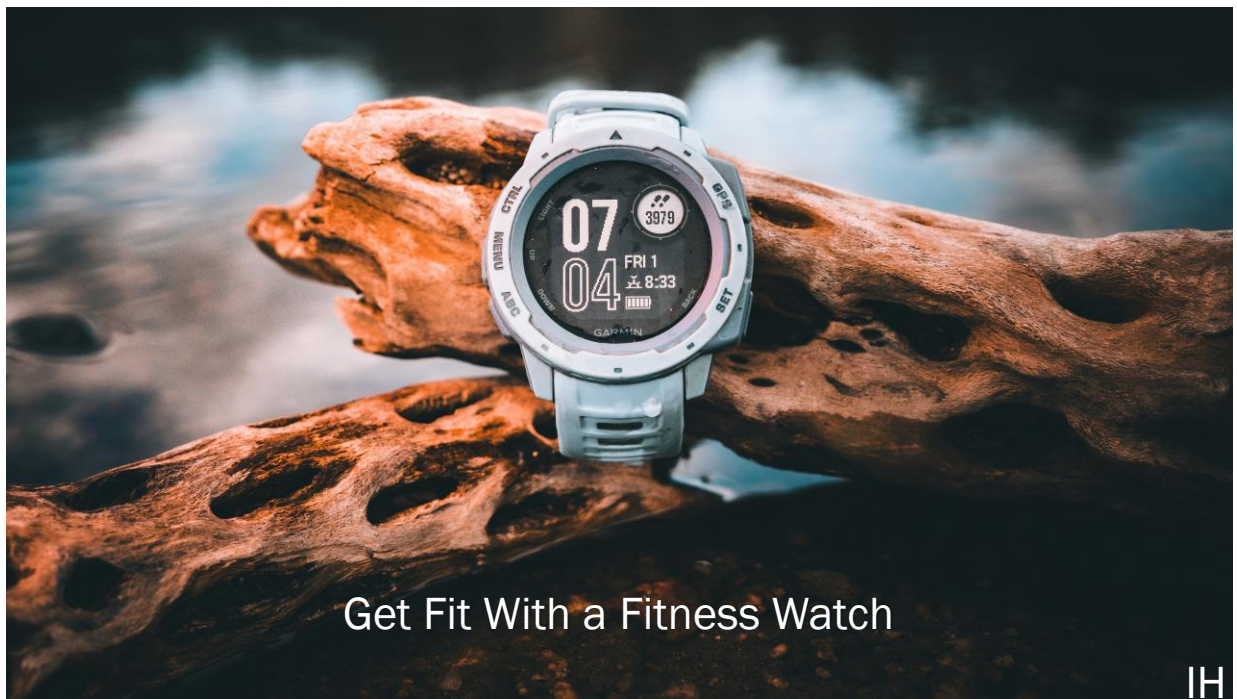


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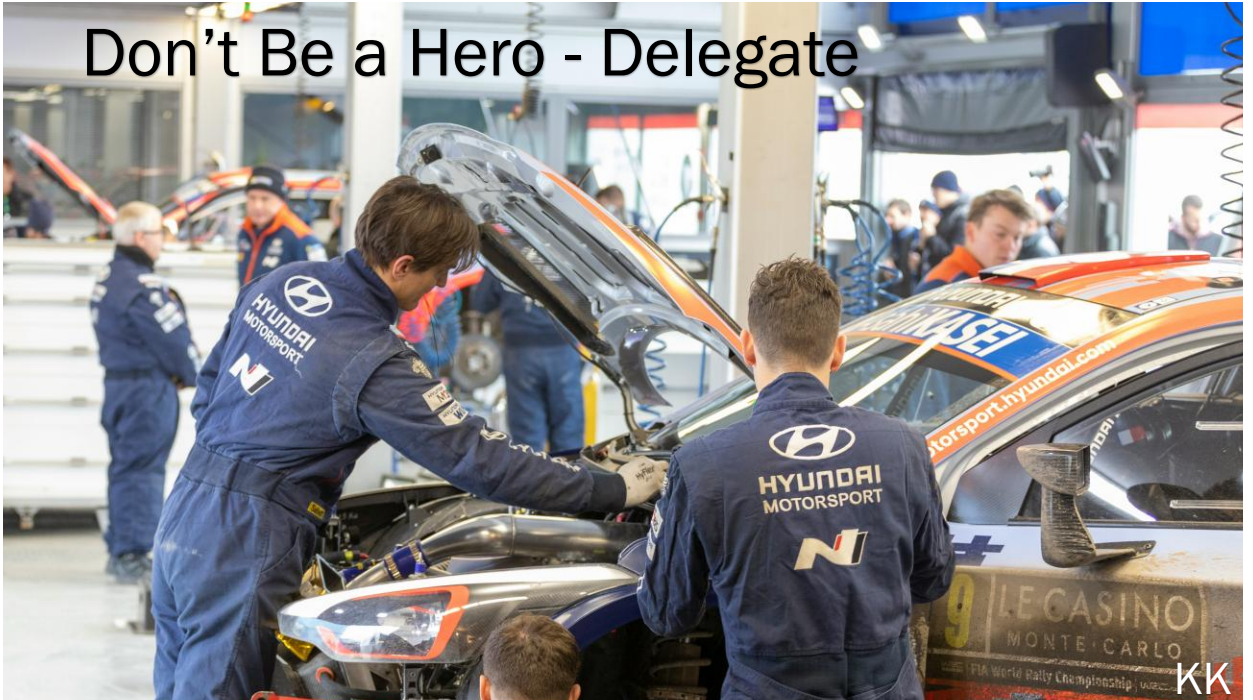








Don't Be a Hero - Delegate

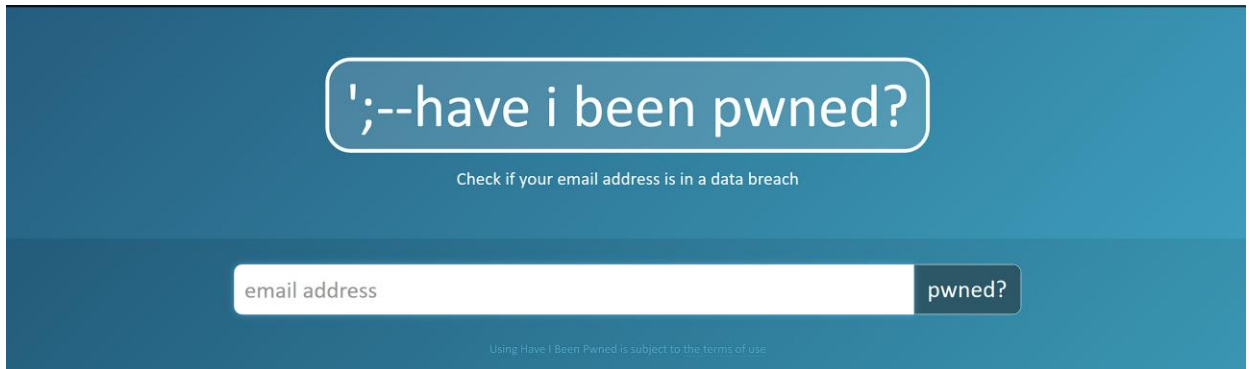


Real Estate Agent  
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Process Server









';--have i been pwned?

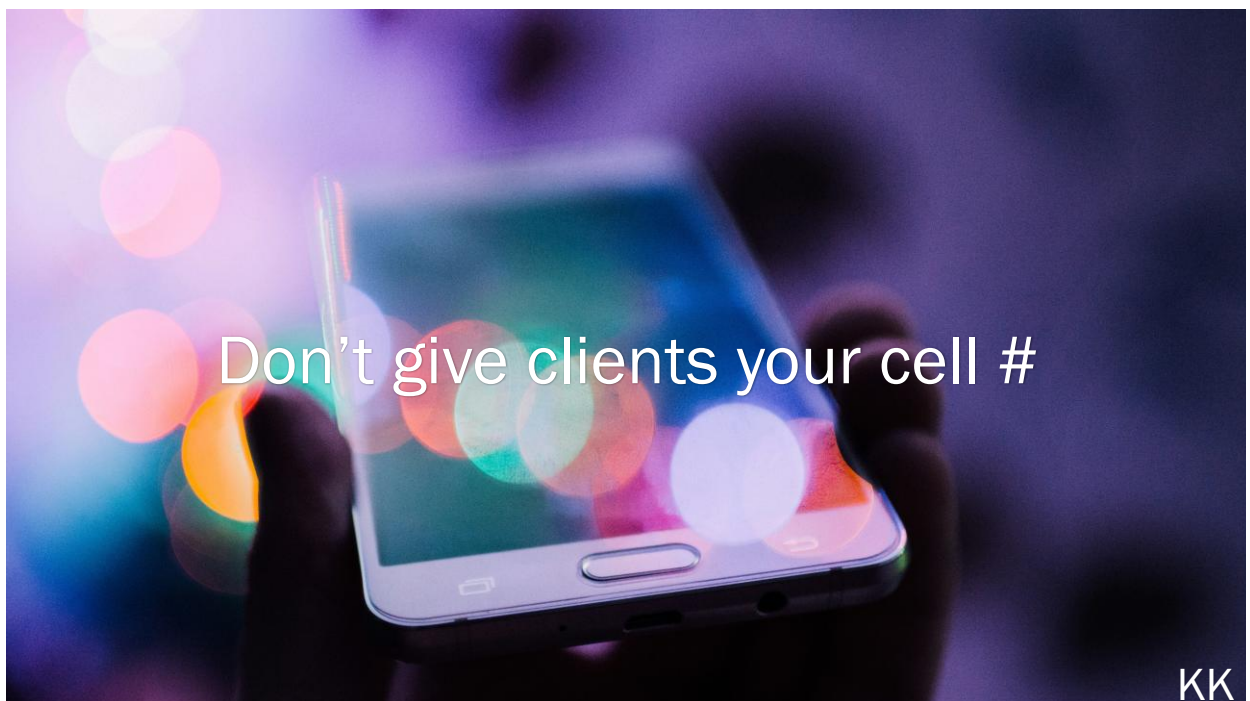
Check if your email address is in a data breach

email address

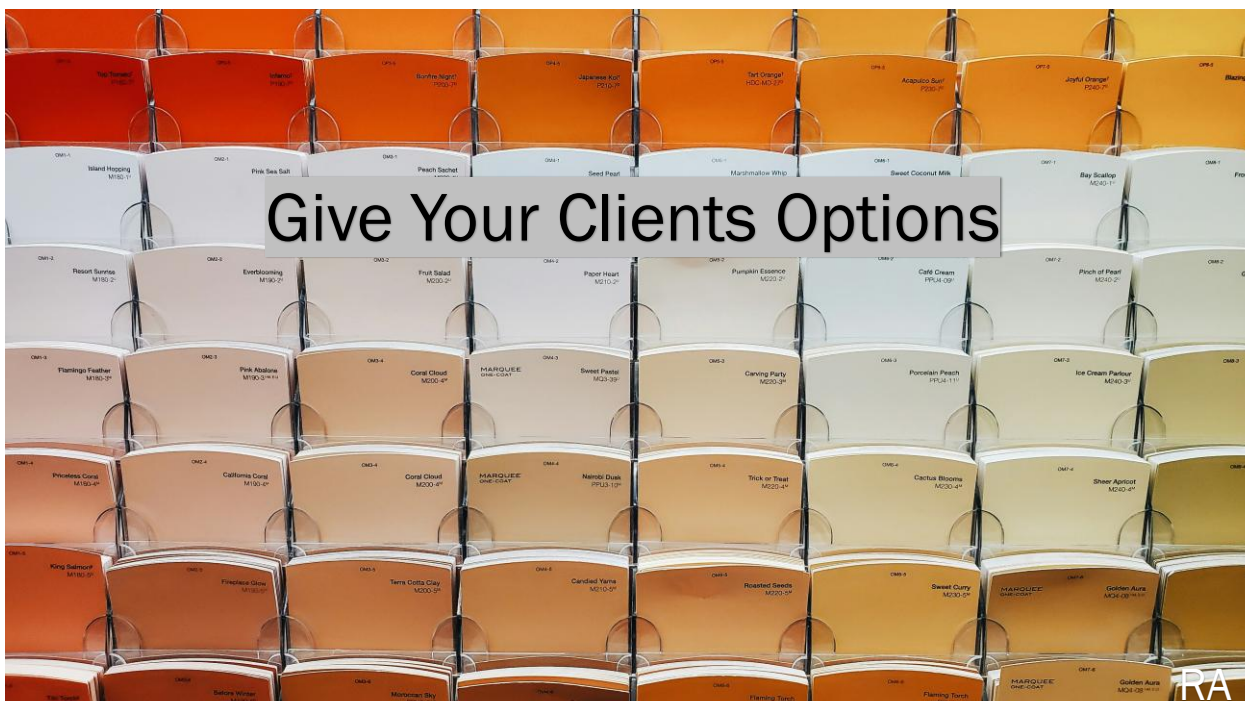
pwned?

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# Mentoring: Regular File Reviews



ChatGPT ▾

Temporary

IA

Summarize Anything

Write and Proofread

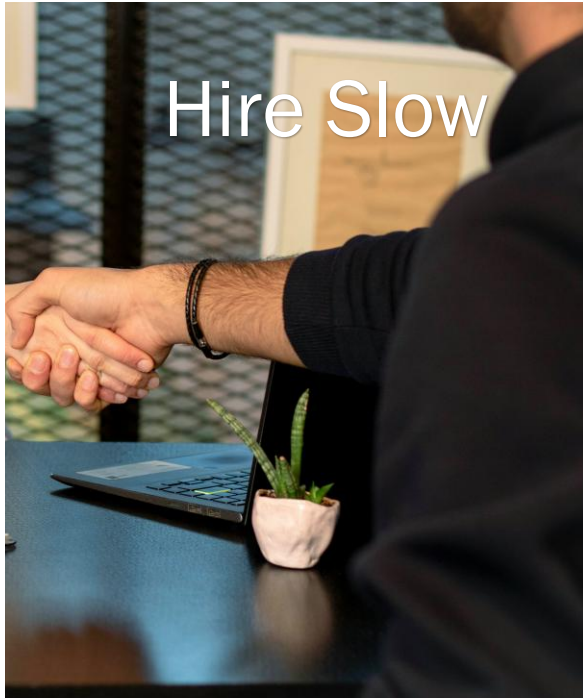
Brainstorm

What can I help with?

Ask anything



IH

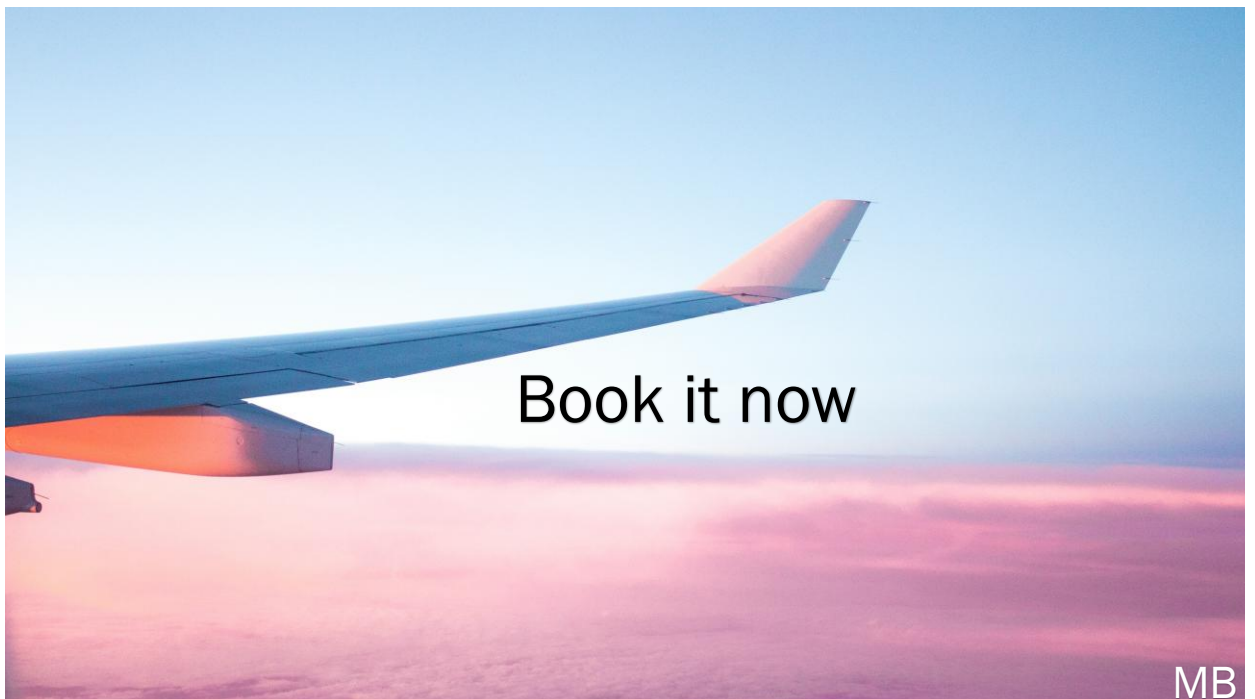


Hire Slow



Fire Fast

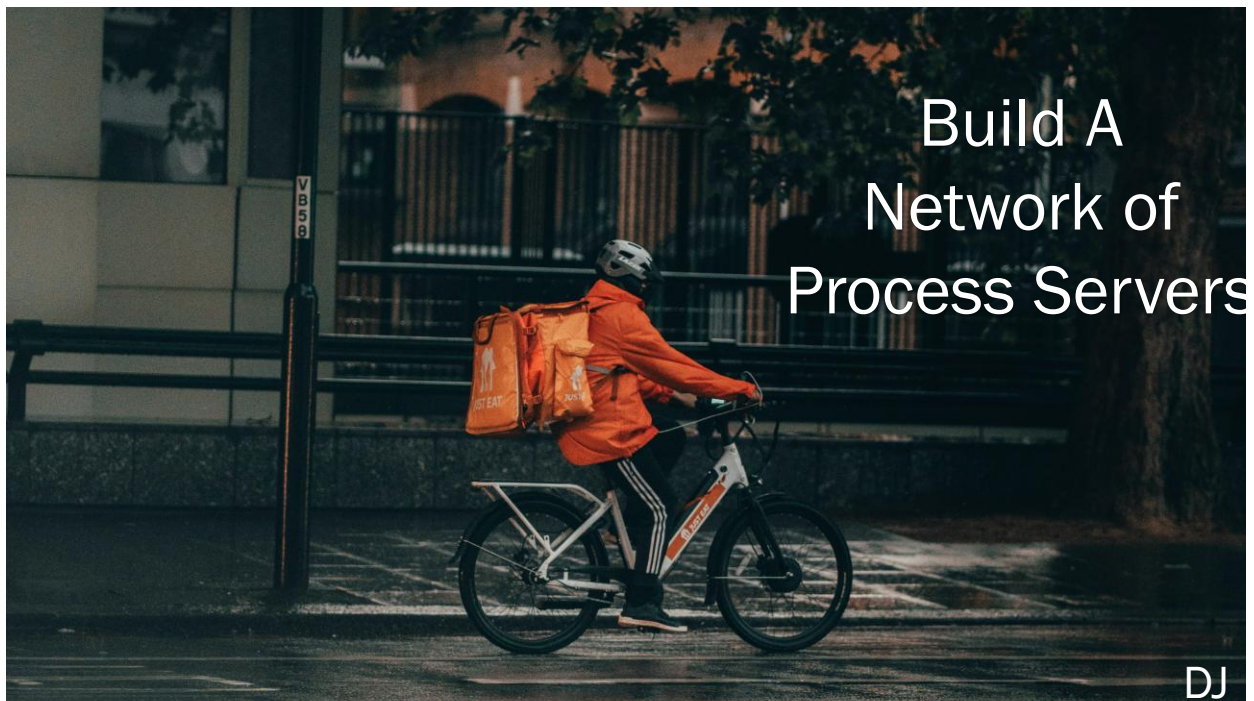
KK



Book it now

MB





Curate  
Your  
Space



Get  
Up  
Early

KK









# Make Friends with Court Staff

RA

Consume  
High  
Quality  
Media

The  
Economist

Weekly edition The world in brief War in the Middle East War in Ukraine United States The world economy Business Artificial intelligence



Finance & economics

## Why the MAGA economy is thriving

The world's largest market is becoming two



China

## A great trade victory over America is being celebrated in China

But its negotiating triumph comes with its own stings in the tail

Business

## Big pharma's jumbo profits are under threat in America

Price targets and tariffs will hurt drugmakers

11



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