



SOAR Submission on the report of the Access to Justice Committee of the Law Society of Ontario

The Society of Ontario Adjudicators and Regulators (SOAR) is pleased to respond to the report of the Access to Justice Committee of the Law Society of Ontario and the call for comment from the Committee.

SOAR is an organization of Chairs, members, management and staff of Ontario's administrative boards, agencies and tribunals. Our mission is to advance administrative justice through education, advocacy and innovation.

As noted in the Access to Justice Committee report, in recent years there has been a great deal of work and thought devoted to improving access to justice, particularly because of the increasing reality of self-represented litigants. For the most part, the focus has been on the civil court system, and in particular, in the area of family law, leading to significant improvements and innovations.

An area that has not received as much attention is the administrative law sector. For the most part, administrative law issues are adjudicated by specialized tribunals and not through the courts. People are much more likely to interact with the administrative law sector than they are likely to interact with the civil court system. Just one tribunal, the Landlord and Tenant Board, receives over 80,000 applications each year.

As with the court system, many cases before tribunals are straightforward and not factually or legally complex. However, there are also cases that are as complex and significant as cases that come before the courts. As with the courts, in these cases, a party's ability to fully engage in the issues, or even to bring the case can be limited by the absence of assistance from someone with legal training.

Many adjudicative tribunals deal with matters that are essential to peoples' well-being, yet vulnerable applicants are often self-represented. Barriers to justice include poor mental health or social disadvantage, often seen at tribunals such as before the Social Benefits Tribunal or the Child and Family Services Review Board, or language barriers, such as the Immigration and Refugee Board.

The current status of administrative tribunals in Ontario warrants a closer look by the Law Society. Tribunals Ontario, created in January 2019, is in flux and currently the subject of study by the provincial government. Adjudicator appointments also appear to

be in flux, with many re-appointments being set to expire on December 31, 2019. Access to justice concerns may arise in a number of ways, including:

- Delays in appointing/re-appointing adjudicators, resulting in or aggravating backlogs
- Reduced expertise of appointees as a result of:
 - Large number of experienced adjudicators not reappointed
 - increasing cross-appointments to multiple tribunals
 - reduced funding for adjudicator training
- Legal aid funding restrictions impact appellants before tribunals
- Elimination of assistance to appellants such as:
 - Legal aid funding restrictions
 - Elimination of Local Planning Appeal Support Centre

For these reasons, SOAR recommends that the Access to Justice Committee expand the scope of its review to more fully include access to justice at administrative tribunals.

We are currently engaged in research to develop an inventory of resources and initiatives that individual tribunals have developed to improve access to justice for self-represented parties and to identify factors that may limit the tribunal's ability to be more accessible.

SOAR would welcome dialogue with the Committee about this project and other issues of common interest, with the goal of increasing access to justice.

Approved by the SOAR Board of Directors, May 2019