

THE OFFICE OF RESIDENTIAL TENANCIES' CREATION OF A DIGITAL TENANT BLACKLIST

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INTRODUCTION

Currently, Saskatchewan's Office of Residential Tenancies (ORT) publicly posts decisions that include tenants' names, personal information and rental addresses on CanLII.

- Many other jurisdictions in Canada redact tenants' identifiable information.

The public posting of tenant names and rental addresses in ORT decisions needlessly exposes renters to reputational harms and housing barriers, undermining Canada's commitment to the right to adequate housing.

- Landlords are using the publicly available decisions as a screening tool for prospective tenants.

The right to adequate housing is recognized under International Human Rights Law.

- The UN emphasizes that giving full effect to this right requires ensuring fair hearings and effective remedies.

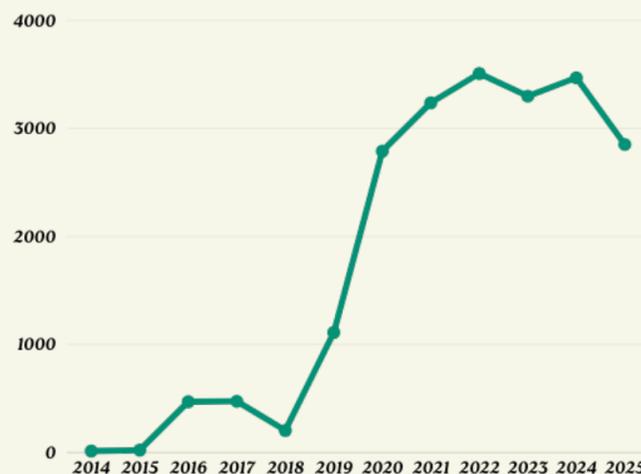
THE ORT'S PUBLISHING PRACTICES

In August of 2016, the ORT announced that decisions made by its hearing officers would now be available online, stating that this would maintain the ORT's transparency and improve access to justice by providing a tool for landlords and tenants to research how similar disputes had been handled in the past.

This reasoning does not justify the inclusion of tenant names. Aspects of ORT decisions that improve transparency, accountability and access to justice may include: the facts of the case, the hearing officer's reasoning and the remedy awarded. In contrast, tenant names do not play any role in maintaining these objectives.

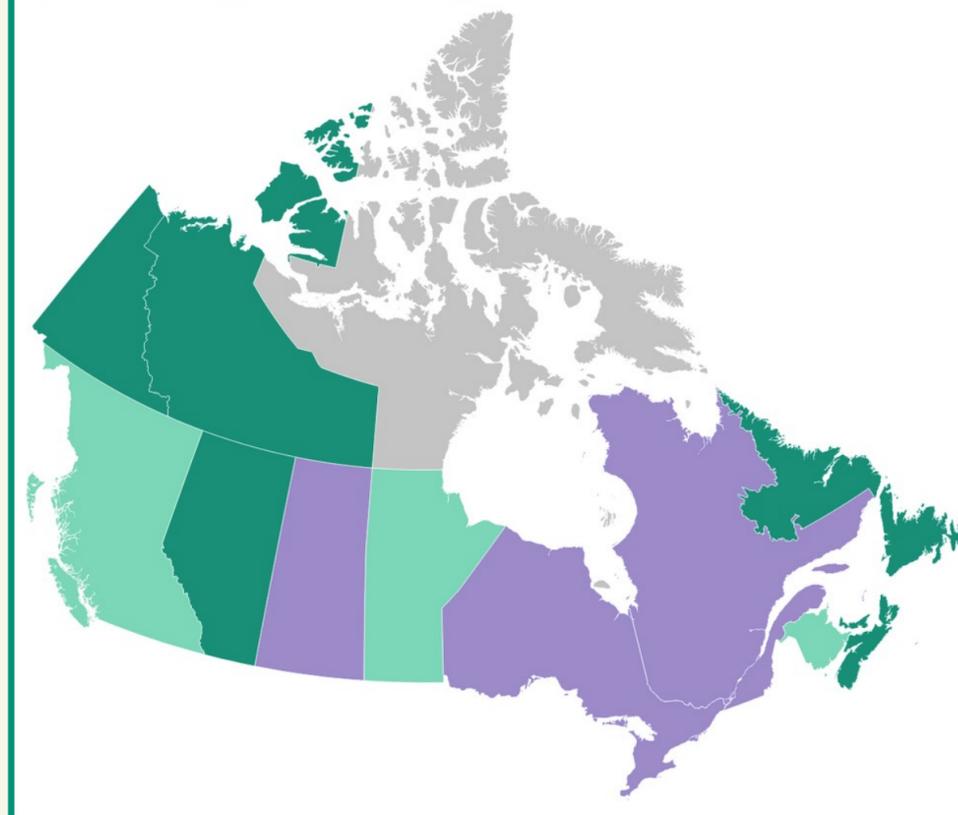
In this same announcement the tribunal stated that its goal was to publish approximately 10% of its annual decisions. However, the 2025 Rules of Procedure clarify that the tribunal has deviated from this goal, clarifying that all ORT decisions are now being published online. However, no reasoning has been provided to the public for this shift.

Number of SK ORT Decisions Posted on CanLII



National Publication of Tenant Names in Housing Disputes

Names Published Partial/Limited Access Names Redacted Decisions Not Published



Saskatchewan is one of only three Canadian jurisdictions that continues to publish tenant names without any restrictions or limits on access.

THE OPEN COURT PRINCIPLE IN A DIGITAL AGE

The ORT's reference to transparency and accountability are rooted in the open court principle, an integral part of the Canadian legal system which aims to promote public confidence in the administration of justice.

The principle ensures that court hearings and information regarding those hearings are accessible to the public

- As a result, a presumption of openness regarding personal information about parties and witnesses has emerged. This compromises privacy and dignity without meaningfully advancing transparency, accountability or access to justice.
- This presumption of openness may be overridden by "proof of serious competing values of public importance", and "the particular vulnerability of the party seeking the order".

In today's era of online publication, the concept of presumptive openness poses even greater risks. The online availability of court documents has not only enhanced the public's access to information but also heightened the visibility of the personal information that is within them.

- Therefore, balancing the openness required for accountability and transparency with the privacy interests of parties has become increasingly complex.

TENANT VULNERABILITY

According to the ORT, its publishing practices are non-discriminatory because both landlord and tenant names are published. However, this argument fails to consider the privileged position of the landlord and the power dynamics that exist within the landlord-tenant relationship.

Landlords generally hold a position of power over tenants. This is especially true in the context of tenancy disputes where tenants' access to housing may directly be at stake.

In an interview project conducted by Sarah Buhler and Rachel Tang in 2019, twenty tenants shared their experiences with ORT hearings.

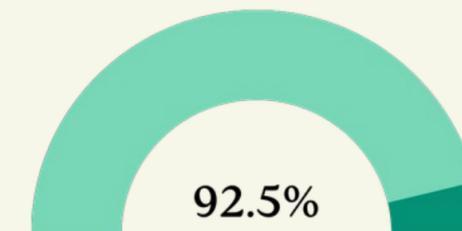
- Several participants noted that the long term impacts of ORT decisions "led to ongoing housing precariousness and even homelessness".
- Participants also mentioned that eviction decisions may affect chances of securing future housing due to "background checks" by subsequent landlords".

TRENDS IN DECISION MAKING

The ORT claims that it impartially decides applications without favour for either landlords or tenants. However, research suggests that decisions are typically made in favour of landlords.

- In the aforementioned interview project, many respondents reported that "hearing officers appeared to be biased in favour of the landlord from the outset, or to have made their decision even before the hearing started".

An analysis of over 2000 ORT decisions published in 2021, revealed that 92.47% of decisions were made in favour of landlords.



Scan for References



RECOMMENDATIONS FOR REFORM

Alignment with OIPC "Best Practice" guidelines

- The OIPC guidelines state that in circumstances where "there is no statutory requirement to publicly post decisions or to disclose personal information/personal health information, then administrative tribunals should consider not doing so".
- Additionally, in circumstances where a tribunal's decision is deemed to be in the public interest, then tribunals should limit the information by considering what would be required to create the decision.
- Identifiers such as names, age, race, sexual orientation, employment, marital status, can be replaced or altered without compromising the decision.
- Therefore, the ORT has the ability to redact personally identifying information without compromising transparency and accountability. Going forward the ORT should: 1. Redact tenant names and identifying information in publicly posted decisions; 2. Limit online publication to decisions of precedential value and; 3. Implement an anonymization process for older decisions

In Fall of 2025, CLASSIC collected signatures from community members for a petition recommending limitations to the ORT's current publishing practices.

- In March of 2026 (this month!) an MLA will be introducing the petition before the Legislative Assembly.