

RESEARCH SUMMARY:

ACCESS TO JUSTICE FOR TENANTS FACING EVICTION

60% of tenants do not attend their eviction hearings at the Office of Residential Tenancies (ORT).



When tenants do not attend, the ORT orders immediate eviction of the tenant in almost every case.

The ORT often assumes that tenants who do not show up do not have evidence to contradict the landlord, or that the tenants simply choose not to attend. **But is that really the case?**



We interviewed 18 tenants who did not attend their eviction hearing at the ORT.

This project was led by Sarah Buhler (University of Saskatchewan College of Law) in collaboration with Community Legal Assistance Services for Saskatoon Inner City (CLASSIC). Thanks to Ryan Cupid for research support and funding support by Pathways to Equity.

WHAT WE LEARNED

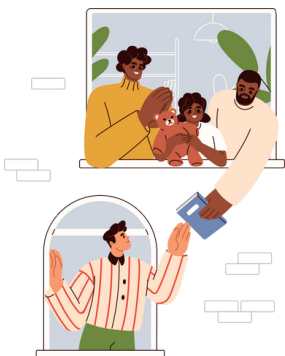
about why tenants did not attend their eviction hearings

- Some landlords told tenants that tenants could not or should not attend the hearing.
- Tenants thought that the tribunal would believe landlords and disbelieve tenants.
- Tenants felt intimidated by the hearing process.
- Tenants had no reliable access to technology to enable participation.
- Previous negative experience with other parts of the justice system caused tenants to be wary of participating.
- Tenants felt hopeless and believed attendance at the hearing was futile, even when tenants had a good defence to eviction.
- Tenants felt that landlords, not the tribunal, had ultimate power over eviction.



WHAT WE CAN DO

to increase access to justice for tenants facing eviction



- Consider tenants' realities, including access to technology.
- Provide legal support and advocacy for tenants facing eviction.
- Have decisionmakers who understand the extreme consequences of eviction and the power imbalances underlying eviction.
- Adopt a focus on prevention and a trauma-informed approach in eviction hearings.
- Consult with people with lived experience of precarious housing and eviction when designing eviction processes.

