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2018

Language Concerns and Access to Justice at the Landlord and Tenant Board

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Recommended Citation

Aoun, W., De Livera, S., & Aizenobie, A. (2018). Language Concerns and Access to Justice at the Landlord and Tenant Board. Retrieved from <https://scholar.uwindsor.ca/research-result-summaries/46>



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Language Concerns and Access to Justice at the Landlord and Tenant Board

Summary of Results

Windsor Law LLM Research Methods Class Research Study, 2017-18

Conducted by students in the Windsor Law LLM Research Methods Class, 2017-18 – Aituaje Aizenobie, Wissam Aoun and Sindhu DeLivera.

Supervised by Professors Laverne Jacobs, Anneke Smit and Gemma Smyth.

This study sought to explore the challenges that language poses to self-represented litigants appearing before the *Landlord and Tenant Board* (LTB). Two types of barrier were explored in this respect: (i) the use of legal jargon by tribunal members (adjudicators); and (ii) the barriers caused for litigants for whom English or French is a second language. In a time where efforts are being made to increase access to legal systems and ease burdens on those who need recourse to the law for the resolution of disputes, the language used by the various limbs of the legal system needs special attention. In order to increase access to justice, it is necessary to evaluate whether current efforts made to simplify the language of the law and the processes of the law are successful, or whether further, more stringent, reform is necessary. The students completed their interviews per the research protocol. Subjects were recruited from public Landlord Tenant Board hearings – students attended hearings and approached potential interviewees following the hearing. No unanticipated ethical issues arose during the research. Due to the nature of the criteria (participants in actual LTB hearings and not only mediations) and the personal challenges faced by participants in LTB processes, the participant pool was small. In future, a larger pool might be available with expanded criteria. The participants in the pool described challenges that echoed other similar research studies. They described challenges with understanding proceedings, participating meaningfully, understanding the outcome of the hearing, and finding interpreters (especially interpreters outside their family network). Interestingly, these findings seemed to cross socioeconomic boundaries.