

Rental Housing Task Force Report falls short for tenants during time of crisis

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FOR RELEASE

On December 12, 2018, the BC government's Rental Housing Task Force released their Recommendations and Findings, based on consultations with tenants, landlords, and related organizations earlier in the year. The Report makes 23 recommendations for change that will, in its own words, "ensure BC tenancy laws reflect fair process, and ensure safe, secure, and affordable housing for both renters and landlords". While there are certainly some positive recommendations in the Report, advocates at the Tenant Resource & Advisory Centre (TRAC) do not believe that it will do enough to strengthen tenant protections.

The Task Force has made some recommendations that could be positive for tenants, if implemented appropriately. Recommendation 15 could require any landlord wanting to serve an eviction notice to a tenant to also file that notice and all accompanying evidence with the Residential Tenancy Branch (RTB) at the same time. This recommendation could ensure that tenants facing evictions will be better able to understand the case against them should they choose to dispute the notice through the RTB. This new requirement could also help the RTB compile valuable data on evictions around the province.

Other recommendations in the Report, such as recording dispute resolution hearings and expanding the grounds for RTB Review Applications, represent positive improvements for tenants but are equally beneficial to landlords. Most of the other recommendations are either favourable to landlords, vaguely worded, or included to preserve the status quo, such as the recommendation to keep rent control tied to the tenancy, not the unit.

Some recommendations seem positive for tenants but call for no real change to the law. Recommendation 1 is to "Stop Renovictions," which is misleading. The content of the recommendation appears to only articulate what is already expressed in the common law and existing RTB Policy. Currently, a landlord can legally evict a tenant if they plan to undertake extensive repairs or renovations that require the rental unit to be vacant. If the tenant can accommodate these repairs or renovations by temporarily moving out, their tenancy cannot be ended by this type of "renoviction" notice.

The Task Force also failed to recommend increased compensation for tenants who are evicted for the purposes of renovating, repairing, or demolishing a rental unit. These affected tenants are still only entitled to the equivalent of one month's rent. In most cases, this will not offset the increased costs of securing new housing, including moving costs, security deposits / pet damage deposits, and increased rent. Although Recommendation 2 suggests working with local governments to develop

tenant compensation and relocation guidelines, there is no reason for this matter not to be addressed at the provincial level through the *Residential Tenancy Act*.

The most troubling aspect of the Report is what has been omitted, as some of the top issues submitted by tenant advocates have been ignored. TRAC and other tenants' rights organizations recommended that arbitrators be required to consider fairness and equity, for both parties, when setting order of possession deadlines. Arbitrators often default to an unreasonable 48 hour move-out deadline when granting orders of possession. Finding and moving into adequate housing on such short notice, which is challenging for any tenant, becomes nearly impossible for those with disabilities, low incomes, children, or other barriers. Homelessness is a likely outcome when tenants are forced to move on two days' notice. Nothing in the Task Force's Report addresses this issue.

The Report notes that one of the most commonly raised concerns by tenants during the Task Force's consultation was the unfairness of evictions. Tenant advocates spoke about short timelines and a lack of Arbitrator discretion when considering 10-Day Eviction Notices for Non-Payment of Rent. Arbitrators do not have any discretion to consider the reasons rent was not paid on time, or to extend the deadline to file for dispute resolution past the effective date of the notice. When faced with a 10-Day Eviction Notice, tenants have only five days to pay up. Comparatively, Ontario tenants have 14 days to pay late rent for the same type of eviction notice. While the Task Force failed to address this critical issue, they did make room to recommend that bailiffs be more accessible to rural landlords wanting to physically remove tenants from their property.

The Task Force was established to help the Minister of Municipal Affairs and Housing fulfill her mandate of strengthening legal protections for tenants across the province. BC's rental housing crisis is a crisis for tenants – not landlords – and significant change is required to correct the situation. Unfortunately, despite some positive recommendations, the overall Report still falls short of providing meaningful improvements for tenants during a time of crisis.

About:

The Tenant Resource & Advisory Centre's (TRAC) purpose is to promote the legal protection of residential tenants across British Columbia by providing information, education, support, and research on residential tenancy matters. TRAC main programs and services include a Tenant Infoline, direct advocacy, legal workshops, website, online course, and plain language publications.

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