

Information Note

Advice to Minister Murray Rankin

Date: February 16, 2021

Cliff #: 121046

Issue: Student Housing Exemption from the Residential Tenancy Act

Background / Facts:

- Periodically, student groups lobby government to make student housing exempt from the Residential Tenancy Act (the Act).
- Section 4 (b) of the Act exempts living accommodation owned or operated by an educational institution and provided by that institution to its students or employees, from the requirements of the Act.
- The exemption provides flexibility for post-secondary institutions (PSIs) to deliver housing that benefits students in a unique community-based living environment, which has different tenancy needs than the general public.
- The Act, and its regulations, are under the administration of the Residential Tenancy Branch (RTB) of the Ministry of Attorney General.

Analysis:

- Exclusion from the Act allows PSIs the flexibility to manage and maintain student housing under PSI-specific policies that balance student rights with institutional accountabilities. This includes:
 - relocating a student on short notice due to threats of sexual violence, disruption or harassment,
 - evicting a student who may seriously violate a PSI's student code of conduct,
 - requiring students to vacate the housing after the student has completed their academic program or term so that new incoming students can be accommodated each year.
- Many students residing in student housing are under the age of 19 and as such, the PSI has a responsibility to the families of these minor students to keep these children as safe and secure as possible.
- Exclusion from the Act confers other benefits to students by allowing PSIs to create unique environments to support student success, such as gender-specific floors and designated quiet times for studying in residences.
- If student housing was under the Act, PSIs would lose the above flexibility and would be limited to the provisions for ending a tenancy as set out in the Act (e.g. non-payment of rent, cause, and landlord's use of property).
- Furthermore, disputes in student housing would then be subject to the RTB's dispute resolution process, which can add significant time and administrative effort for students, PSIs and the RTB.

Conclusion / Next Steps:

- The Ministry of Advanced Education and Skills Training (AEST) does not support student housing being included in the Act for the reasons outlined in this briefing note.
- AEST has partnered with representatives from student societies, First Nations partners, and PSIs to develop leading practices in student housing rental agreements.
- A small working group was formed to draft recommendations that address the interests and responsibilities of both students and PSIs in these agreements.
- The working group includes representatives from student associations (Alliance of BC Students, BC Federation of Students, UBC Alma Mater Society, and University of Victoria Students' Society), and PSIs (Selkirk College, Simon Fraser University, University of British Columbia, University of Victoria).
- Broader consultation is planned once a draft has been finalized.

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