

OFFICE OF HOUSING AND CONSTRUCTION STANDARDS

DECISION NOTE

DATE: November 17, 2015

PREPARED FOR: Honourable Rich Coleman, Minister

ISSUE: Recommendations from City of Vancouver Renters' Advisory Committee

BACKGROUND:

- In April 2015, Vancouver City Council requested that the Renters' Advisory Committee review BC's *Residential Tenancy Act* and recommend changes that would: increase resources for the city's renters, strengthen the protections in the tenancy legislation and support affordable rental housing in Vancouver.
- The Committee published a report on November 12, 2015.
- The report made 32 recommendations including:
 - placing rent increase restrictions on Single Room Accommodation rental units rather than tenancies;
 - increasing the penalty for a Notice to End Tenancy issued in bad faith, and;
 - amending the Act to allow tenants fleeing domestic violence to have a way out of fixed term tenancies.
- The Committee did not request information from the Residential Tenancy Branch on its work.
- The Committee presented the report to Council on November 17, 2015. Council have requested City staff write a response to the report. The Residential Tenancy Branch contacted City staff and offered to provide an update on the work of the Branch as they relate to the recommendations.

Cliff# 20084
Version # 01
Updated: November 17, 2015

Page 1

OFFICE OF HOUSING AND CONSTRUCTION STANDARDS

DECISION NOTE

DISCUSSION:

- The report outlines a number of recommendations, some of which have already been implemented by the Residential Tenancy Branch (RTB), others where the work is underway. Others are recommended to be reviewed or not considered at this time. See Appendix 1.
- Some of these recommendations parallel recommendations of earlier reports issued by the Community Legal Assistance Society.
- More than half of the recommendations would likely require legislative or regulatory change, some require policy or operational changes, and most would have a corresponding resource impact.
- RTB contacted City staff and offered to provide an update on the work of the Branch. The information provided will be restricted to those recommendations where there is work underway or completed. s.13, s.16
s.13,s.16
s.13,s.16 It is expected that this information may be included in the staff report back to City council.
- To date neither the Committee nor City staff have approached RTB requesting a response or information relating to the report.

CONCLUSION/RECOMMENDATION:

The report of the Renters' Advisory Committee makes a range of recommendations regarding tenancies in British Columbia. Work on a number of the recommendations is already completed or underway. As outlined in the Appendix 1, it is proposed that the remaining recommendations are either reviewed or not considered at this time.

s.13,s.16

Cliff# 20084
Version # 01
Updated: November 17, 2015

Page 2

OFFICE OF HOUSING AND CONSTRUCTION STANDARDS DECISION NOTE

Enclosures/Attachments

Appendix 1 – Recommendations and Recommended Responses

Approved/Not Approved

Honourable Rich Coleman
Minister

Date

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Cliff# 20084
Version # 01
Updated: November 17, 2015

Page 3

Appendix 1

Summary of City of Vancouver Renters' Recommendations 2015 and Recommended Response

The recommended responses fall into three main categories:

1. Work underway
2. To not consider the recommendation at this time
3. To undertake further review of the recommendation

Other responses are:

1. Completed
2. Not an RTB responsibility

Committee Recommendation	Recommended RTB Response
1. Modify the Act to create a clear regime to govern tenants who are renting out one of their rooms with their landlord's consent.	s.13
2. The Act should include provisions for transitional housing and provide clarity about whether housing is transitional or not. E.g. "some non-profit operators have claimed that they operate transitional housing that is not subject to the RTA."	
3. The Act should include some protections for renters who share their accommodation with the owner of the rental unit, even if the entire Act does not apply.	
4. Record RTB hearings and keep them on file until the time frame to apply for judicial review expires. Alternatively, remove the rule which prevents tenants and landlords from recording their own hearings.	
5. Accept fee waivers when an application for dispute resolution is submitted online.	
6. Tenant fees for accessing dispute resolution procedures should be automatically waived where it is possible to identify that a tenant is low-income.	
7. Allow certain communications between tenants and landlords to occur via email or text message, such as when a tenant provides a forwarding address to their landlord (currently can only be faxed, sent via ordinary mail, and other means).	

8.	Ensure that hold times on the Branch's information line meet acceptable service standards, especially at key times of the month.	s.13
9.	Expand Infoline Service Hours until 6:30pm.	
10.	Amend the Act to allow for direct requests for tenants seeking the return of a security deposit (Direct request is expedited process where the Branch issues orders without needing to hold a full dispute resolution hearing).	
11.	Provide translators for dispute resolution hearings as necessary (In Vancouver, around 40% of residents do not count English as their first language).	
12.	The Branch should amend their forms to include a place to write specifics of any allegations so that respondents know what they're accused of before any hearing. This would include written reasons for, say, the termination of a tenancy, along with particulars of any alleged acts or omissions by the tenant.	
13.	Switch evidence submission timelines so that the party with the burden of proof provides their evidence and submissions first, and then the other party has time to submit their evidence and submissions afterward.	
14.	Create a mandatory minimum penalty that is awarded to a tenant if a landlord breaks the law and evicts them without following the proper legal process.	
15.	Increase the penalty for a Notice to End Tenancy that was issued in bad faith.	
16.	Before a landlord is able to hire a bailiff to evict a tenant, the landlord should have to swear that their Order of Possession has not been appealed.	

17.	RTB should issue administrative penalties in cases where they are warranted.	s.13
18.	RTB should have legal power to inspect buildings as part of issuing monetary penalties.	
19.	The Act should be amended to provide that where parties renew a fixed term tenancy agreement for the same property, rent increases are limited in the same manner as if the tenancy had continued uninterrupted.	
20.	The Act should be amended to state that if a landlord repeatedly offers a tenant fixed term tenancy agreements with vacate clauses at the end, the third consecutive agreement automatically turns into a month-to-month tenancy at the end of its term.	
21.	Provide the ability to restore tenancies for tenants who were prevented from paying rent on time because of specified exceptional circumstances, but are able to remedy the situation expeditiously.	
22.	The Act currently prohibits application and processing fees. We recommend prohibiting application deposits, too.	
23.	Place rent control on the unit for Single Room Accommodation units.	
24.	Review the rent increase formula.	
25.	Require landlords to issue a notice of problems with a tenancy and to give tenants a reasonable chance to rectify problems before issuing a Notice to End Tenancy for Cause. RTB should issue a form for landlords to use for giving formal notice of problems with a tenancy.	
26.	All non-profit housing providers should have to provide two full months' notice when a subsidy is being reduced or removed.	

27.	All non-profit housing providers should have to disclose the amount of subsidy they are providing to renters so that renters know what their rent will be should the subsidy ever be removed.	s.13
28.	The Act should mandate that arbitrators set appropriate timelines that are fair and just in all the circumstances when issuing orders of possession.	
29.	Extend the notice period for evictions where a tenant must leave a property because of renovations or a family's use of the property.	
30.	Amend the Act so that landlords must provide tenants with compensation where the tenant has to vacate a rental unit in order to comply with a municipal order.	
31.	Amend the Act to allow renters first right of refusal with the same rate of rent increase that would have applied had the tenancy not been interrupted by the renovation.	
32.	Amend the Act to allow tenants fleeing domestic violence to have a way out of fixed term tenancies.	