

Protecting renters by preventing illegal renovictions

<https://news.gov.bc.ca/24812>

Victoria - Wednesday, June 30, 2021 1:00 PM

Residential tenancy changes that will prevent renovictions and provide renters with more security and protection come into effect on Thursday, July 1, 2021.

These changes address the Rental Housing Task Force's number one recommendation – to stop renovictions by shifting responsibility to the landlord to apply to the Residential Tenancy Branch (RTB) for pre-approval.

Tenants will have the opportunity to participate in a dispute resolution hearing and provide evidence that the tenancy does not need to end for the work to be completed. The landlord will need to have all required permits and approvals, and must prove the work is necessary and the only way to complete it is by ending the tenancy.

The changes will eliminate most renovictions. Landlords will only be able to end a tenancy in situations where that is the only way to do the necessary repairs or upgrades. In those rare cases, tenants will now have a full four months' notice after the RTB approves the application – no longer having to spend that time fighting the eviction.

Previously, some landlords issued notices to end tenancy for renovations when the work did not require units to be vacant. The tenant could then dispute the notice with the RTB if they disagreed with the eviction. These changes will give the RTB oversight over any eviction notice for renovations, which will help stop illegal renovictions from happening.

Additional tenant's compensation for bad-faith evictions

In cases where a tenant has been evicted, but the landlord does not follow through on the stated purpose for ending the tenancy, an amendment will make it easier for tenants to receive compensation.

For example, a landlord can end a tenancy because they or a family member will move into the unit. Before, if the landlord failed to follow through on that plan and a tenant sought compensation from their landlord, the burden was on the tenant to prove it. The amendment shifts the onus to the landlord to prove they have used the property for the stated purpose of ending the tenancy.

Additional rent increase for capital expenditures

Should a landlord make repairs or improvements to a rental unit or building and want to apply a modest rent increase to pay for them, they must now apply to the RTB for approval. This fulfils a recommendation of the Rental Housing Task Force, along with capping rent to inflation to keep rent more affordable while ensuring rental homes are maintained and improved.

Tenants can participate in the hearing and submit evidence if they believe that the costs are ineligible. The improvements must be capital expenditures involving major systems or components that are integral to the residential property, such as roof repairs or new windows.

If successful, the RTB's decision will set out the eligible rent increase based on a formula, which factors in the amount of eligible capital expenditures and the number of dwelling units, amortized over a 10-year period. The additional rent increase will be capped at a maximum of 3% per year (plus the annual rent increase) for a maximum of three years.

The rent freeze continues to be in effect until Dec. 31, 2021.

Applications for these new processes will open July 5.

Quick Facts:

- These changes fulfil recommendations from the Rental Housing Task Force.
- Previous action to support renters and address the task force's recommendations include:
 - rent freeze until the end of 2021;
 - closing the fixed-term lease loophole;
 - eliminating geographic rent hike;
 - bringing in a new compliance and enforcement unit; and
 - introducing initial steps to strengthen protections for renters facing “renovictions” and “demovictions.”
- The requirement for landlords to apply to the RTB to end a tenancy for renovations or repairs is similar to the process in Ontario.

Learn More:

Residential Tenancy Branch: <https://www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies>

Online application for dispute resolution: www.gov.bc.ca/landlordtenant/online

Residential Housing Task Force recommendations:
https://engage.gov.bc.ca/app/uploads/sites/121/2018/12/RHTF-Recommendations-and-WWH-Report_Dec2018_FINAL.pdf

Ministry of Attorney General

and Responsible for Housing Media Relations

778 678-1572