

Recent Changes to the Residential Tenancy Act

Since a new provincial government took office in 2017, a number of laws have been changed that affect renters. Here's a breakdown of what's changed, and what hasn't:

The Good News	The Bad News
<p>Rent Control</p> <ul style="list-style-type: none"> <p>Lower Provincial Annual Allowable Increase Formula by 2% The formula used to be Inflation + 2%. Your landlord can now <u>only</u> increase your rent by whatever the CPI inflation rate is. *For <u>2019</u> that's 2.5%</p> <p>Fixed Term Lease Loophole Closed Your landlord <u>can't</u> make you sign a new lease to continue your tenancy with jacked up rent - they can only increase it by the <u>maximum allowable amount each year</u>.</p> <p>Geographic Rent Increase Loophole Closed Before 2017, landlords could legally justify dramatic rent increases if other rentals nearby were comparably high. Now they <u>can't</u>.</p> 	<ul style="list-style-type: none"> <p>No Vacancy Control The <u>government did not close the loophole</u> that allows landlords to increase rent as much as they want when you move out, or if they evict you. As land values and market rents have skyrocketed in recent years, landlords are motivated to evict you so that they can increase rents – meaning tenants paying affordable rents are the most at risk.</p> <p>*BC had vacancy control in the 1970s. Sign the petition to bring it back: www.realrentcontrolbc.ca</p>
<p>Renovictions/Demovictions</p> <ul style="list-style-type: none"> <p>Approval for Renovictions Landlords must first <u>apply to the Residential Tenancy Branch (RTB)</u> in order to prove that a renovation would require the unit to be vacated.</p> <p>Increased Notice & Dispute window Your landlord now has to give you <u>four months notice</u> (up from two) if they want to renovict or demovict you. You now have <u>30 days to legally dispute</u> your renoviction or demoviction with the tenancy branch (up from 15 days)</p> <p>Right of first refusal If you are renovicted, your landlord has the <u>Obligation to give you first "dibs" on your unit</u> after renovations are complete. Only applies to buildings with 5+ units</p> <p>Compensation for bad faith If you were evicted in "bad faith" (your landlord lied about why they evicted you) – you could be awarded an amount <u>equal to one year's worth of rent</u> as compensation.</p> 	<ul style="list-style-type: none"> <p>Renovictions not totally outlawed Fundamentally, the new administrative changes do not outlaw renovations as a reason for ending a tenancy. Landlords have and will continue to find loopholes and/or trick tenants into self-evicting</p> <p>Move back in, pay more If you choose to move back in after renos are done (your right of first refusal), your landlord is allowed to increase your rent as much as they want</p> <p>(More on the back)</p>

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<p>Other Changes</p> <ul style="list-style-type: none"> • <u>Shorter wait times at the Residential Tenancy Branch (RTB)</u> The gov't has increased funding for the RTB, meaning you <u>won't have to wait as long</u> for your dispute hearing. • <u>Province-wide Rent Bank</u> The government is launching a province-wide program to provide <u>short-term loans</u> for low-income tenants who need to pay their rent. This helps prevent evictions from non-payment of rent. • <u>Increased Funding for Rent Supplement Programs</u> Rental supplement programs SAFER and RAP have seen <u>increased</u> funding, meaning more people can apply. • <u>RTB Compliance Unit</u> A new compliance unit <u>will pursue those who do not follow orders</u> made by the RTB, with the potential issue fines up to \$5K per day. This is great news for discouraging slumlord landlords. 	<ul style="list-style-type: none"> • <u>Systemic power imbalances remain</u> Tenants and advocates have found that shorter wait times at the RTB can mean less time to prepare evidence, which may hurt tenants' case. Ultimately, the RTB remains the only legal avenue tenants can utilize to dispute their landlord. There is never a guaranteed outcome, in part because the final decision is made by RTB staff, who are not legal experts. • <u>Stop-gap measures protect landlords, not tenants</u> The Rent bank and rental supplement programs use <u>public funds to ensure landlords get paid on time</u>. Meanwhile, social assistance rate for low income tenants have been nearly stagnant for two decades. • <u>RTB can deny service to tenants</u> The RTB's new compliance unit can also issue fines to tenants and deny them service at the RTB if the tenant has not paid an outstanding fine. This may further marginalize tenants who are unable to afford to pay, or have been wrongfully accused and don't know their rights. <i>(Note: as of 2021, the Compliance Unit is woefully underfunded and has a two-year caseload backlog)</i>

Other Key Changes That We Haven't Seen

- More rights for co-tenants (roommates), including the ability to take over a lease
- Rights for tenants with pets
- Automatic RTB dispute hearings for all evictions – a measure to prevent illegal evictions, giving tenants a chance to dispute every eviction if the landlord hasn't provided sufficient evidence for cause

Conclusion

Since taking office, the new government has taken a cautious approach to tenancy law changes, and have repeatedly stated their desire to strike a "balance" between the needs of renters and landlords. As a result, they have not enacted policies that would most help renters in crisis.

The laws alone won't protect us. That's why it is up to us as renters to organize, and use our collective tenant power to demand housing justice. Join the Vancouver Tenants Union!