

# OPEN Doors



A Publication of the Residential Tenancies Branch

Issue 2, October 2004

## Need information?

### **ONLINE** [www.residentialtenancies.mb.ca](http://www.residentialtenancies.mb.ca)

- ▶ Access information about:
  - The *Residential Tenancies Act*, *The Life Leases Act* and *The Condominium Act*
  - the *Policies and Procedures Guidebook*
  - your downloadable *Guide for Landlords on Applying for an Above Guideline Rent Increase*
  - frequently used forms including prescribed regulation forms
  - details about the rent status process
  - access to the Orders System

### **OFFLINE** *in person*

- ▶ Visit your branch office Monday to Friday from 8:30 a.m. to 4:30 p.m.  
**Winnipeg** at 302-254 Edmonton Street or call 945-2476  
**Brandon** at 157-340 9th Street or call 726-6230  
**Thompson** at 113-59 Elizabeth Drive or call 667-6496  
Toll-free 1-800-782-8403

### **BY PHONE** 24/7

- ▶ Teleservice information is available day or night. Call 945-2476 in Winnipeg or toll-free 1-800-782-8403.
- ▶ Get information about rent increases, security deposits and landlord and tenant responsibilities faxed directly to you. Simply call and follow the prompts.
- ▶ You can also use our telephone security deposit interest calculator. A few simple steps and our phone system will calculate the interest for you.



## What's new?



**The rent increase guideline** has been set at 1.5 per cent effective January 1, 2005. See inside for more information.

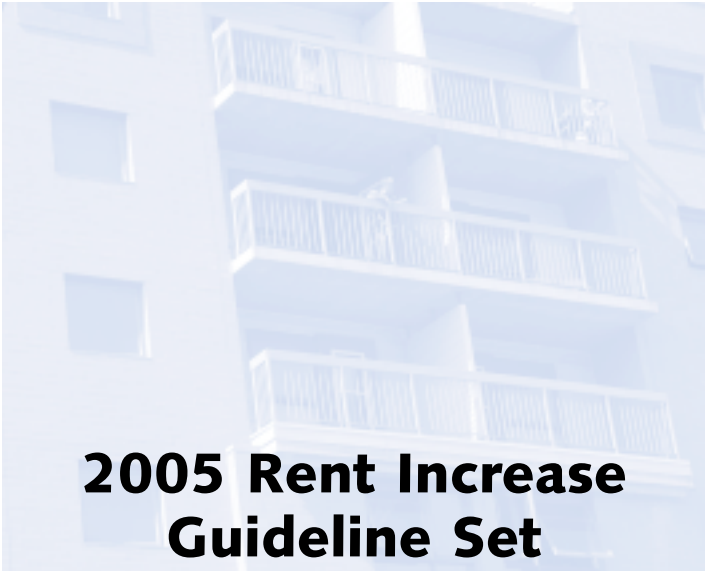
**Amendments to the Residential Tenancies Act** help landlords deal more efficiently with abandoned property. More information is inside.

**Changes in the Residential Tenancies Branch** mean better service for clients. More detail inside.

**More municipalities** are charging mobile home owners taxes instead of fees. Changes to the act come into effect October 1 to help landlords and tenants better accommodate this. More information is inside.

**Remember:** The new and improved Policies and Procedures Guidebook provides thorough, accurate and timely information for landlords and tenants. It's available online at [www.residentialtenancies.mb.ca](http://www.residentialtenancies.mb.ca). It's also available in French and as a reference at your residential tenancies local branch.

**New Forms:** Visit [www.residentialtenancies.mb.ca](http://www.residentialtenancies.mb.ca) or any branch for the latest versions.



## What to do with abandoned property

### 2005 Rent Increase Guideline Set

The guideline for rent increases in 2005 has been set at 1.5 per cent, effective January 1, 2005.

“The rent increase guideline helps ensure rents remain affordable for tenants throughout the province, while taking into consideration the operating expenses for landlords,” says Greg Selinger, Manitoba Finance Minister and minister responsible for the *Residential Tenancies Act*.

The guideline applies to residential rental property, including apartments, single rooms, houses and duplexes renting for less than \$1000 per month as of December 31, 2004. The guideline does not apply to:

- ▶ properties renting for or above \$1000 per month as of December 31, 2004
- ▶ personal care homes and non-profit housing with subsidized rent
- ▶ approved rehabilitated rental units
- ▶ new buildings less than 15 years old, where an occupancy permit was first issued or a unit was first occupied after April 9, 2001

Landlords can apply to the Residential Tenancies Branch for rent increases above the guideline if they can show the guideline will not cover cost increases they have incurred.

Tenants must receive written notice of a rent increase at least three months before the increase takes effect. A notice to increase rent must meet the requirements of the *Residential Tenancies Act*. The branch provides rent increase forms for landlords to use.

Tenants can object to any rent increase, whether it is at, below or above the guideline, by writing to the branch at least 60 days before the date of the rent increase. In most cases, rents can only be increased once a year.

More information about rent increases and the rights and responsibilities of landlords and tenants is available at the branch website [www.residentialtenancies.mb.ca](http://www.residentialtenancies.mb.ca) or by calling toll-free 1-800-782-8403 or 945-2476 in Winnipeg.

Tenants must take their belongings with them when they move out of a rental unit, unless they make special storage arrangements with the landlord. Unfortunately, tenants sometimes leave things behind and landlords must decide what to do with them.

To protect themselves, landlords must follow the requirements in the Residential Tenancies Act to dispose of abandoned personal property. Effective October 1, 2004, the process will become easier.

Until now, a landlord could not dispose of abandoned property without the written authorization of the Residential Tenancies Branch. In most cases, the branch only authorizes disposal after an officer inspects the property to assess its value. Landlords have to keep the items until the branch arranges to inspect, which can take a month or more.

The amendments to the act allow the landlords to decide if items have value. If a landlord believes the items have no monetary value, or are unsanitary or unsafe to store, the landlord can now dispose of them, without authorization from the branch, with one exception. If a tenant leaves personal papers or photographs, the landlord must hold them for 60 days before disposing of them. Landlords may decide that items have limited monetary value, which means that if they were sold, the sale proceeds would not cover the costs of moving, storing and selling them. In this case, the landlord must make a reasonable effort to contact the tenant about the property. The landlord must also list the items on a form provided by the branch and send it to the branch as well as the tenant at the last known address. Once this is done, landlords can give the items to a charitable organization or dispose of them at an appropriate disposal facility.

There are also rare cases where the items left behind have monetary value. When this happens, the landlord must list the items on the form provided by the branch and send it to the branch and the tenant. The landlord must store the items for 60 days (instead of the 90 days currently required). After that time, the branch will authorize the landlord to sell the items, usually by public auction. If the tenant owes the landlord money under a branch order, the landlord can put the sale proceeds towards that. If the landlord doesn't have an order or the tenant doesn't owe the landlord any money, the landlord must send the sale proceeds to the branch. The branch holds the money for the tenant for two years. After two years, the money is transferred to a fund the branch uses to provide education material for landlords and tenants.

For more information on abandonments, see the Branch's Policies and Procedures Guidebook.

## Branch changes mean improved services for RTB clients

Changes at the Residential Tenancies Branch will improve client service, increase consistency, and streamline processes. There will be greater electronic access for clients and improved efficiency through information integration.

“From new forms to new hardware, we’re improving processes throughout the entire organization,” says Roger Barsy, director of the Residential Tenancies Branch. “Front line staff will be better able to resolve disputes through mediation and amendments to the *Residential Tenancies Act* will help streamline processes.”

Beginning in September, senior staff will meet with the Professional Property Managers Association as well as various tenant groups to explain the changes. Staff at the Residential Tenancies Branch will begin training on the new procedures.

### HIGHLIGHTS OF THE CHANGES INCLUDE:

- ▶ New processes for client services officers who will be able to contact landlords or tenants informally to resolve complaints and disputes about issues like repairs and rental unit access without a formal order.
- ▶ New policies to allow electronically scanned evidence to be used for hearings and other investigations



## Landlords and tenants are reminded to review fire safety information

Most cities and municipalities have fire safety bylaws requiring landlords to install smoke alarms in rental units. Landlords should contact their local fire prevention authorities to find out the requirements for their area. Landlords should:

- ▶ clean and test smoke alarms at least once a year
- ▶ retest the alarm whenever a new tenant moves in
- ▶ show their tenants how to test the alarm

Tenants must never tamper with a smoke alarm. Tampering with an alarm puts the tenant and others in the building in danger. Tenants should:

- ▶ test the smoke alarm, following the landlord’s instructions, each month to make sure it’s working properly.
- ▶ immediately report any problems with an alarm to the landlord.
- ▶ make a fire escape plan and practice “escaping” regularly.

Additional information on fire safety is available from the **City of Winnipeg Fire Prevention Branch** (986-6358) and the provincial **Office of the Fire Commissioner** (945-3322 or 1-800-282-8069). October 3 to 9 is Fire Prevention Week in Manitoba.



## New Definition of “Rent” for Mobile Parks Benefits Landlords and Tenants

Recently, some municipalities have begun charging taxes on mobile homes instead of licence fees. To accommodate this change, amendments to the *Residential Tenancies Act* will now exclude taxes from the definition of rent. This will apply to taxes assessed on homes that are not owned by a landlord of a mobile park.

“This allows landlords and tenants to more easily create their own agreements and will validate a common practice where tenants pay rent for the mobile home site and taxes on the assessed value of their homes,” says Roger Barsy, director of the Residential Tenancies Branch.

Effective October 1, 2004, the changes will also allow:

- ▶ a tenancy agreement to include a requirement that the tenant pay property taxes or licence fees to the landlord or directly to a municipality
- ▶ a tenant to appeal the assessment on a mobile home under *The Municipal Assessments Act*
- ▶ a landlord to terminate the tenancy of a tenant who fails to pay taxes or a licence fee as required by a tenancy agreement

### Landlords reminded they must return unclaimed Security Deposits to the branch

When a tenancy ends, landlords are required to return security deposits to tenants within 14 days, unless they have claims against the money. If a landlord does not have a claim against the money, he or she must forward it to the tenant. If the landlord doesn't have the tenant's new address, the money must be sent to the branch.

Landlords are reminded to check their accounting records for any unclaimed deposits and send the money to the branch.

“We need this money to ensure that there are adequate funds in the Security Deposit Compensation Fund,” says Roger Barsy, branch director.



Hours of service  
in Winnipeg,  
Brandon and  
Thompson:  
8:30 a.m. to 4:30 p.m.  
Monday to Friday

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