



Landlord and Tenant Fact Sheet

RTB-107

Landlord Access and Unlawful Entry

s. 29 Residential Tenancy Act and s. 23 Manufactured Home Park Tenancy Act

The *Residential Tenancy Act* (RTA) and the *Manufactured Home Park Tenancy Act* (MHPTA) have provisions to allow landlords access for specific purposes and to protect tenants from unlawful entry by landlords.

Residential Tenancy Act

A landlord may enter a tenant's rental unit only when:

- an emergency exists and the entry is necessary to protect life or property.
- tenant is at home and agrees to let the landlord in.
- tenant agreed, not more than 30 days before, to let the landlord enter.
- tenant was given at least 24 hours and not more than 30 days written notice before entry telling the purpose for entering, which must be reasonable, and the date and time of entering, which must be between 8:00 am and 9:00 pm unless the tenant otherwise agrees.
- tenant has abandoned the rental unit.
- tenant lives in a hotel and someone comes in to clean the room; or,
- landlord has a Dispute Resolution Officer's (DRO) order or court order to enter the rental unit.

The landlord can conduct a monthly inspection if proper notice is given to the tenant.

A landlord can also enter any common areas, or the property, at any time without giving the tenant notice.

Manufactured Home Park Tenancy Act

A landlord may enter the tenant's site under the following circumstances only:

- to collect rent, or give or serve a document under the MHPTA;
- there is an emergency and entry is necessary to protect life or property;
- tenant is at home and agrees to let the landlord enter the site;
- tenant agreed, not more than 30 days before, to let the landlord enter the site for a certain reason;
- tenant has abandoned the site;
- landlord has a DRO's order or court order to enter the site; or
- landlord has given the tenant written notice at least 24 hours and no more than 30 days in advance. The notice must indicate the purposes for entering, which must be reasonable, and the time that the landlord will enter the site. The time in the notice must fall between 8 a.m. and 9 p.m., unless the tenant agrees to another time.

Landlord enters illegally

If a tenant believes the landlord has entered illegally, he or she should give the landlord this Fact Sheet and ask the landlord to follow proper process before entering the tenant's home or the tenant's manufactured home site.

Office of Housing and Construction Standards

Residential Tenancy Branch
Lower Mainland: 604-660-1020 Victoria: 387-1602 Elsewhere in BC: 1-800-665-8779
Website: www.rto.gov.bc.ca

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The tenant can also apply for dispute resolution asking for an order requiring the landlord to comply with the RTA or MHPTA or for an order allowing the tenant to change the locks and keep the only keys. The tenant will be required to give the landlord the keys upon moving out.

In the case of a manufactured home site tenancy, a DRO can suspend or set conditions on a landlord's right to enter the site.

Tenant changing locks

A tenant can ask the landlord to change the locks at the start of the tenancy. A tenant must not change locks on their rental unit without the landlord's written permission. If the tenant believes the locks need to be changed, and the landlord refuses, the tenant can apply for dispute resolution asking for an order to change the locks.

If a tenant changed the locks without permission and has the only keys to a rental unit and an emergency occurs when the tenant is not available to open the door, the landlord or emergency personnel can remove the door. The tenant may have to pay all related costs.

If a tenant changes the locks without proper approval, the landlord can give written notice that the tenant has contravened the law and must correct the situation within a specific but reasonable period. The tenant must change the locks back and pay for the work done, or give the landlord keys to the new locks. If the original lock was keyed to a master key, the tenant may need to restore the original lock. If the tenant does not do so, the landlord can give the tenant a one-month Notice to End Tenancy or in extreme circumstances the landlord may apply for an early end of tenancy.

For more information ...

Visit the RTB's Web site at www.rto.gov.bc.ca.

Call an Information Officer or listen to our 24 Hour Recorded Information Line:

Lower Mainland: 604-660-1020

Victoria: 250-387-1602

Elsewhere in BC: 1-800-665-8779

Visit the RTB nearest you:

Burnaby: 400-5021 Kingsway

Victoria: 1st Floor, 1019 Wharf Street

Kelowna: 101-2141 Springfield Road

RTB Burnaby and Victoria are open 8:30 a.m. to 4:30 p.m., Monday to Friday.

RTB Kelowna is open 8:30 a.m. to 12 noon, Monday to Friday for limited services.

All RTB offices are closed on statutory holidays.

If there is no RTB in your area, you can get residential tenancy guides, fact sheets and forms online at www.rto.gov.bc.ca or at any Service BC—Government Agents Office.