



April 26, 2006

I am pleased to inform you that amendments to the *Residential Tenancy Act* and the *Manufactured Home Park Tenancy Act* have been introduced in the Legislature. The amendments help protect assisted living and supportive housing tenancies, introduce new administrative penalties, and establish staff arbitrators.

With these changes assisted living and supportive housing rental accommodation tenancies will be required to have tenancy agreements, with terms similar to agreements used in conventional tenancies. In addition, service agreements will set out the terms and conditions of the hospitality and personal care services that are provided along with the accommodation.

Currently, many of these landlords and tenants do not have access to services to help them resolve tenancy disputes. The government will provide a range of dispute resolution services, such as information, referral, mediation and, if necessary, will decide disputes based on the law.

These amendments address the issues and concerns that were raised during province-wide consultations in 2003/04, and fulfill a commitment made in the 2006/07 to 2008/09 Service Plan of the Office of Housing and Construction Standards.

In addition, amendments to both the *Residential Tenancy Act* and the *Manufactured Home Park Act* will establish administrative penalties for serious or repeat violations of the legislation. This gives government a tool for enforcing the legislation outside of the courts.

Another change is a transition from part-time appointed arbitrators to full-time staff to resolve disputes. This change will mean better service to the public. Existing appointed arbitrators will be invited to remain with the government under contract until December 2008.

A summary of the amendments is attached. The *Tenancy Statutes Amendment Act* can be viewed at [http://www.legis.gov.bc.ca/38th2nd/1st\\_read/index.htm](http://www.legis.gov.bc.ca/38th2nd/1st_read/index.htm)

Further information on the amendments will be posted on the Residential Tenancy Branch website in the coming months <http://www.rto.gov.bc.ca/>

Sincerely yours,

Rich Coleman  
Minister Responsible for Housing

**Summary of Amendments to the Residential Tenancy Act (RTA)  
and the Manufactured Home Park Tenancy Act (MHPTA)  
April, 2006**

**Tenancies**

- A person under 19 may enter into a tenancy agreement as tenant.
- A tenant must have a landlord's written permission to change a lock (RTA).  
A tenant must have a landlord's written permission to change a lock to a common area (MHPTA).
- A landlord may authorize assignment or sublease of a manufactured home park site in a tenancy agreement (MHPTA only).
- A tenant must give a landlord written notice and time to correct a breach of a material term of the tenancy agreement before giving notice to end the tenancy.
- A landlord may end a tenancy with two months' notice if a tenant ceases to qualify for a subsidized rental unit operated by a public body, where there are eligibility requirements related to income, number of occupants or health (RTA only).
- A tenant may withhold the last month's rent if the tenant has been given a notice to end tenancy for landlord's use of property, instead of waiting for the landlord to pay the required one month's compensation at the end of the tenancy (RTA only).

**Arbitrators and hearings**

- Appointed arbitrators will be replaced with staff and contract arbitrators. Current arbitrators appointed by the minister will remain on contract until December 2008.
- The director has authority to hire employees and contractors to carry out the director's powers and duties.
- An order of possession may be granted without a hearing under certain circumstances where the tenant has no right to apply for dispute resolution:
  - the tenant has given the notice to end tenancy
  - there is a fixed term tenancy agreement with an end date
  - the landlord and tenant have mutually agreed to end the tenancy, or
  - the time period for a tenant to dispute a notice to end tenancy given by the landlord has passed.

Where the order of possession is for non-payment of rent, a monetary order for rent due may be issued at the same time, without a hearing.

## **Administrative penalties**

- An administrative penalty may be imposed on a person who contravenes a provision of the Act or regulations or who fails to comply with an order.
- The maximum penalty is \$5,000 and can be imposed on a daily basis.
- The director may conduct an investigation to ensure compliance with the Act and regulations.
- The person will be entitled to a hearing before a penalty is imposed.
- The director may enter into an agreement to comply with the person instead of enforcing an administrative penalty.

## **Assisted or supported living tenancies (RTA only)**

- Most of the provisions of the RTA will apply to assisted and supported living tenancies as they do to regular tenancies, with some exceptions and special provisions, listed below.

### Definitions

- Assisted and supported living tenancies are rental accommodation where hospitality or personal care services are provided by or through the landlord.
- Hospitality services are:
  - meal services
  - laundry services
  - social and recreational opportunities
  - 24-hour emergency response system.
- Personal care services are:
  - regular assistance with the activities of daily living, including eating, mobility, dressing, grooming, bathing or personal hygiene
  - central storage of medication, distribution of medication, administering medication or monitoring the taking of medication
  - maintenance or management of cash resources or other property
  - monitoring of food intake or of adherence to therapeutic diets
  - structured behaviour management and intervention
  - psychosocial rehabilitative therapy or intensive physical rehabilitative therapy.

### Service agreements

- In addition to a tenancy agreement as required for regular tenancies, there must be a separate agreement for services, to include:
  - the nature, extent and cost of hospitality and personal care services
  - whether other occupants and guests are required to purchase hospitality and personal care services
  - terms for use of guest units
  - whether the remaining occupant is required to purchase certain services or to move if one tenant vacates the unit or dies
  - other uses of the property besides assisted and supported living units
  - other terms about services that landlords and tenants agree on.
- A landlord must give a three month notice to increase the amount payable for a hospitality or personal care service, unless the tenant agrees to an earlier date.
- A landlord may not terminate or restrict an essential hospitality or personal care service. A landlord must give a two month notice before terminating or restricting a non-essential service.

### Ending tenancies

- In addition to the provisions that apply to regular tenancies, tenancies may end for the following reasons:
  - A landlord may end a tenancy with three month's notice if the tenant requires hospitality or personal care services that are not provided by the landlord, or if the tenant's behaviour seriously jeopardizes the tenant's safety.
  - A landlord or tenant may end a fixed term tenancy early under these circumstances.
  - A landlord may apply to end the tenancy earlier than three months if there is a significant risk to health, safety or property.
  - A landlord may end tenancy with one month's notice if the amount for hospitality or personal care services is not paid or for repeated late payment for services.
  - A landlord or tenant may end the tenancy if either party fails to comply with a material term of the service agreement.

### Other special provisions

- A landlord is not required to consent to assignment or sublease of a fixed term tenancy.
- A landlord may enter the unit in an emergency to protect the tenant's health or safety, or to provide hospitality and personal care services in accordance with the tenancy agreement.

- A landlord must consider the physical condition and other relevant circumstances of a tenant when assessing reasonable wear and tear for damage.

#### Resolving disputes

- A landlord or a tenant may ask the director to help resolve a dispute informally. Various processes may be used to help resolve the dispute, such as providing information about the legislation, and mediation.
- The director may assist parties to reach a settlement agreement.
- If a landlord or tenant submits an application for dispute resolution, the director will make a decision based on the Act and regulations, and the information that the landlord and tenant provide.

#### Transition period

- The Residential Tenancy Act amendments will apply to tenancies beginning on or after the date the amendments come into force.
- By January 2007, all assisted and supported living tenancies will need to comply.