

Recommendations to the Rental Housing Task Force, July 2018

Victoria Tenant Action Group

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Support Tenants to Work Together

Tenants are usually isolated in their struggles to address problems in their tenancies. When tenants unite, collective resources and community support can make a significant difference in our ability to communicate with landlords and to protect our housing quality and security.

Tenants in Victoria are beginning to work together to educate and support each other. A number of tenants who have been displaced came together in 2017 to form the Victoria Tenant Action Group (VTAG). VTAG recently incorporated as a non-profit society with these goals:

- Provide tenant-to-tenant peer support
- Foster solidarity among tenants
- Promote housing-related social change

Our recommendations for the Rental Housing Task force are as follows:

Support for Tenants' Associations

Experience in larger municipalities where tenants' associations have formed shows that tenants in apartment buildings and in neighbourhoods are able to collaborate to protect their rights and their housing. Tenant associations also provide valuable opportunities for tenants to provide cohesive input to public policy discussions. Due to the advocacy nature of tenants' associations, they are unable to obtain charitable status with the Canada Revenue Agency. This prohibits the associations from obtaining grants from foundations and from providing income tax receipts for donations.

Tenants' associations in buildings, neighbourhoods, and communities need financial support to provide the resources to bring tenants together.

- ✓ VTAG calls on the Government of British Columbia to provide both start-up and ongoing core funds to tenants' associations so those whose rights and access to housing are affected by the rental housing crisis in B.C. are able to participate in developing solutions.

Protections from Retaliation^[1]

In B.C., tenants have none of the organizing protections available to workers organizing unions. Tenants are often reluctant to organize a tenants' association due to fear of retaliation, including threats of eviction from their landlords and/or property managers.

In Ontario, **Section 233(3)(h)** of the *Residential Tenancies Act* (the *RTA*) makes it an offense for any landlord to harass, hinder, obstruct or interfere with a tenant's right to:

- participate in a tenants' association or;
- attempt to organize a tenants' association.

Section 83(3)(c)&(d) of the Ontario *RTA* requires the Landlord and Tenant Board to refuse to grant a landlord's application to evict a tenant where the Board concludes that the landlord's reason for bringing the application is because the tenant is:

- attempting to enforce or secure their rights as a tenant; or
- a member of a tenants' association; or
- attempting to organize a tenants' association.

✓ VTAG calls on the Government of British Columbia to provide tenants with legislative protection against landlord retaliation similar to that offered to tenants in Ontario.

Set Standards for Landlords and Property Managers

Protect Tenant Vulnerability

Tenants are often at the mercy of landlords or property managers. When tenants are forced to call the police due to illegal acts by their landlords, they are often told by the police that the landlord and tenant relationship is a 'civil matter'. This is similar to past police practices of non-interference in domestic violence on the basis that the marital relationship is a 'civil matter'.

Tenants have reported instances of illegal lock-outs, theft of their possessions, violence (often sexual violence), and other infringements on rights that are outside of the *Residential Tenancy Act*.

✓ VTAG calls on the Province of British Columbia to provide clarity to police departments about when it is their role to intervene in criminal activity that happens to involve the victim's landlord.

License Landlords

Licensing provisions apply to a range of essential services such as medical, educational, food service, police and transportation.

While the *Residential Tenancy Act* addresses the tenancy agreement, it does not address a range of situations in which tenants find themselves.

✓ VTAG calls on the Province of British Columbia to, directly or through municipalities, require that landlords and property managers be licensed and to make those licenses revocable in cases of significant misconduct.

Rents Need to be Fair and Affordable

The rental housing crisis in B.C. has resulted in higher rents than many tenants can afford. This affordability crisis contributes directly to homelessness and to situations where tenants stay in substandard housing because they have no other options.

Tie Rent Increases to Dwelling Unit, Not to Tenancy

There is no limit on how much a landlord can charge for a rental unit when beginning a new tenancy. This has created a skewed market in which rental prices generally relate to the duration of the tenancy, not to the value of the dwelling. Tenancies have become precarious, both due to the pressure for long-term tenants to move so the rent can be increased and the drastically more expensive prices new tenants must now meet. The unlimited increases between tenancies must be stopped. Not only do the price leaps strain residents financially, but the strong incentive to displace creates constant upheaval in residents' lives and communities.

✓ VTAG calls on the Government of British Columbia to make immediate changes to the *Residential Tenancy Act* so that limits on rent increases apply to the housing unit, not to individual tenancy agreements.

Change the Allowable Rent Increase (ARI) Calculation

Rent increases tied to inflation should be able to cover changes in operating costs in addition to contributions to replacement reserves. This is because financing costs are generally unchanging over the life of a mortgage and do not increase with inflation.

The current calculation of the ARI accounts for increases to the cost of living **plus 2 percent**. This extra 2 percent is a windfall for landlords and should be eliminated. If it is not eliminated, then it should be earmarked for capital improvements.

✓ VTAG calls on the Government of British Columbia to make changes to the ARI so that increases in rents do not outpace increases in tenants' ability to pay.

Examine Rents and Make Changes

While short term solutions suggested above can help slow the erosion of affordability, the bigger picture needs to be addressed. Most rents in B.C. have increased to unaffordable levels. Most of the rent increases have not been re-invested in the housing, rather they have become windfall profits for landlords.

✓ VTAG calls on the Government of British Columbia to examine all rents in B.C. with an effort to make them affordable again. Solutions may include rent decreases and rent freezes and requirements for reinvestment of excessive profits into the housing.

Changes to the Residential Tenancy Branch

Address the Power Imbalance

Before a tenancy dispute makes its way to the Residential Tenancy Branch (RTB), tenants who have attempted to secure and enforce their rights are usually at a disadvantage when negotiating with landlords. Tenants will often forego enforcement of their rights if they believe it will put their housing at risk. Not only is finding another home a huge upheaval, but there is the strong possibility that affordable and appropriate alternative housing will not be found in this housing crisis.

As well, because property owners are in the business of housing, tenants typically enter an individual dispute with less familiarity with the process yet face outcomes with more direct and intimate impact on their lives.

✓ VTAG calls on the Government of British Columbia to ensure that the Residential Tenancy Branch operates in such a way that it recognizes the inherent power imbalance between landlords and tenants and supports tenants who are at risk just by enforcing their legal rights.

Develop Enforcement Mechanisms

Tenants are forced to go to the Provincial and Supreme courts when landlords refuse to comply with orders issued by the RTB. These court applications are not only lengthy and expensive, but are usually beyond the capability of tenants.

✓ VTAG calls on the Government of British Columbia to develop enforcement mechanisms that are accessible to tenants and available to ensure timely action so the justice written into RTB decisions is acted upon

Allow Recording of Hearings

✓ VTAG calls on the Government of British Columbia to allow audio/video recordings of hearings by all participants and mandate the RTB to record and review all hearings for quality control.

Allow Group Filings

✓ VTAG calls on the Government of British Columbia to require RTB adjudicators to stop dismissing group cases during hearings to only hear one case. Tenants of the same landlord who are facing similar legal issues should be allowed to have their matters heard together at the RTB.

Summary of VTAG Recommendations

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^[1] Information in this section has been copied from a NOW Magazine article of 28 August 2017, found at: <https://nowtoronto.com/news/how-renters-can-organize-a-tenants-association-reasonable-doubt/>