

July 6, 2018

Dear MLA Spencer Chandra Herbert and the Rental Housing Taskforce:

RE: Request for public input on how to improve security and fairness for renters and rental housing providers throughout the province.

The Renters Advisory Committee is a civic agency appointed by Vancouver City Council to advise council on strategic city priorities relating to renters, to monitor and respond to the impacts of provincial and federal legislation affecting tenants, and to advise council on enhancing access inclusion for renters in developing city policy and civic life. All members are renters who live in the City of Vancouver.

In response to the request from Rental Housing Task Force, the City of Vancouver Renters Advisory Committee has prepared the following letter with recommended changes.

Most of these recommendations were included in the Renters Advisory Committee *Rental Recommendations 2015* report, which mainly addressed the *Residential Tenancy Act* and its regulations. However, since that time some of the recommendations have been adopted, at least to some extent. This letter outlines the recommendations that have not yet been implemented, as well as some additional ones that respond to more recent and notable issues. The report, which includes more details on some of the recommendations in this letter, can be found here. <http://council.vancouver.ca/20151117/documents/cfsc3.pdf>

1. Clarify the legal regime governing tenancies

1.1 Roommates

Recommendation: Modify the Act to create a clear regime to govern tenants who are renting out one of their rooms with their landlord's consent

1.2 Transitional Housing

Recommendation: The Residential Tenancy Act should include provisions for transitional housing and provide clarity about whether housing is transitional or not.

1.3 Accommodation shared with the owner of the unit.

Recommendation: The Act should include some protection for renters who share their accommodation with the owner of the rental unit, even if the entire Act does not apply.

2. Modernize the Residential Tenancy Branch's technology and systems

2.1 Record RTB hearings

Recommendation: Record RTB hearings and keep them on file until the time frame to apply for judicial review expires. Alternatively and at the very least, remove the rule which prevents tenants and landlords from recording their own hearings.

2.2 Online filing

Recommendation: Accept fee waivers when an application for dispute resolution is submitted online.

2.3 Waive filing fees for low-income tenants.

Recommendation: Tenant fees for accessing dispute resolution procedures should be automatically waived where it is possible to confirm that a tenant has a low-income.

2.4 Allow email and text messages

Recommendation: Allow certain communications between tenants and landlords to occur via email or text message, such as when a tenant provides a forwarding address.

2.5 Telephone Infoline

We acknowledge and appreciate the new funding (\$6.8 million) this government has provided to the RTB and that some of this funding has been used to reduce waiting times for tenancy disputes.

Recommendation: Ensure that hold times on the branch's information line meet acceptable service standards, especially at key times of the month. Expand the Infoline service hours until 6:30 p.m.

3. Create a faster, more efficient system

3.1 Direct request for security deposits

Recommendation: Amend the Act to allow for direct requests for tenants seeking the return of a security deposit.

3.2 Translation Services

Recommendation: Provide translators for dispute resolution hearings as needed.

3.3 People should know what they're accusing of before their hearing

Recommendation: The branch should amend their forms to include a place to write specifics of any allegations so that respondents know what they're accused of before any hearing. This would include written reasons, for example, for the termination of a tenancy, along with particulars of any alleged acts or omissions by the tenant.

3.4 Evidence timelines should be staggered so that the party with the burden of proof submits their evidence first.

Recommendation: Switch evidence submission timelines so that the party with the burden of proof provides their evidence and submissions first, and then the other party has time to submit their evidence and submissions afterwards.

4. Ensure there are penalties for law-breaking

We acknowledge and appreciate the steps this government has taken so far to increase funding for the RTB, including to fund the creation of a new compliance unit.

4.1 Minimum penalties for illegal evictions and lockouts

Recommendation: Create a mandatory minimum penalty that is awarded to a tenant if a landlord breaks the law and evicts them without following the proper legal process.

4.2 Recommendation: Prevent landlords from enforcing an order of possession where they know that a tenant has sought review of it.

4.3 Recommendation: The Residential Tenancy Branch should have the legal power to inspect buildings as part of issuing monetary penalties.

5. Better ensure that all renters have stable and secure housing

5.1 Permit extensions of time for tenants to pay rent in specified circumstances

Recommendation: Provide the ability to restore tenancies for tenants who were prevented from paying rent on time because of specified exceptional circumstances, but are able to remedy the situation expeditiously.

5.2 Prohibit Application Deposits

Recommendation: The Act currently prohibits application and processing fees. We recommend prohibiting application deposits, too.

5.4 Special Protection for SRA units

Recommendation: Place rent control on the unit for Single Room Accommodation units.

5.5. Amending the rent increase formula

The regulatory formula by which rent increases of 2% plus inflation are automatically allowed is not sustainable for renters and if maintained, will continue to contribute to increasing the number of homeless people in our province and the number of renters who are forced to compromise their health, safety, security and general well-being in order to maintain their housing. The rent increase formula allows for increases that far exceed the rate of income increases for most renters – a serious concern given the proportion of income that many renters, especially those in Vancouver and Victoria, are paying for rent. While landlords will argue that they also face annual increases in costs that exceed inflation, unlike renters, they have the value of a rapidly increasing asset to offset those costs. Also unlike renters, their ability to maintain their own personal housing and all that goes with it is not put at risk by those costs. We encourage you to look to other provinces for fairer and workable models of how to regulate rent increases.

Recommendation: Reform the rent increase formula, giving due weight and consideration to the increasing numbers of homeless people in major BC municipalities and throughout the province, the available data on rents in relation to renters' incomes, and the substantial increases in property values (especially in major centres) that property owners, including landlords, are benefitting from.

5.6 Warnings before evictions for cause

Recommendation: Require landlords to issue a notice of problems with a tenancy and to give tenants a reasonable chance to rectify problems before issuing a Notice to End Tenancy for Cause. The Branch should issue a form for landlords to use for giving formal notice of problems with tenancy.

5.7 Notice of removal of a subsidy in subsidized housing

Recommendation: All non-profit housing providers should have to provide two full months of notice when they are reducing or removing a subsidy.

Recommendation: All non-profit housing providers should have to disclose the amount of subsidy they are providing to renters so that renters know what their rent will be should the subsidy ever be removed.

5.8 Set fair timelines when issuing orders of possession

Recommendation: The Act should mandate that arbitrators set appropriate timelines that are fair and just in all the circumstances when issuing orders of possession.

5.9 Compensation where a tenant is evicted as a result of a municipal order

Recommendation: Amend the Act so that landlords must provide tenants with compensation where the tenant has to vacate the rental unit in order to comply with a municipal order.

6.0 Right of First Refusal following renovations

We acknowledge and appreciate that you have created a new right of first refusal for renters who are displaced due to renovations. However, given the rapid increase of rents in recent years – in part created through abuse of fixed term leases – this right lacks practical effect or meaning. We also note that you did not increase compensation for renters evicted due to renovations or demolition of their unit. On these matters, we hope that you will give due consideration to the advice of the Tenant Resource and Advisory Centre (TRAC) and the Community Legal Assistance Society (CLAS).¹

Recommendation: Amend the Act to allow renters first right of refusal with the same rate of rent increase that would have applied had the tenancy not been interrupted by the renovation.

¹ "Changes to the Residential Tenancy Act won't protect renters facing renovations," April 12, 2018.

http://www.clasbc.net/changes_to_the_residential_tenancy_act_won_t_protect_renters_facing_renovictions

² See for example, the news articles discussing a recent "renoviction" episode at a building near Woodland and East Pender streets in East Vancouver. <https://vancouversun.com/news/local-news/east-van-apartment-tenants->

7. Recommendation: Document and monitor evictions to better understand the reasons renters lose their housing

Currently your government does not collect data on the number of total evictions that take place in BC on an annual basis. The only information about evictions is that which is connected to dispute resolutions and we have no way of knowing what percentage of total evictions is disputed by either the tenant or landlord. Given the severity of our rental and homelessness crises, this is a glaring data gap. When homeowners lose their housing through foreclosure, this is documented, publicly reported and analyzed. This is because that information is important to understanding our housing markets, the stresses homeowners face and how they are coping with them. We believe that documenting the rates, reasons and processes through which renters lose their housing to evictions is at least equally important.

Tracking evictions could also help discourage landlords from undertaking fraudulent eviction processes or issuing repeat eviction notices while the original eviction notice is still under dispute – effectively evicting tenants through harassment.²

You may also wish to consider creating metrics and targets for evictions, or specific subsets of evictions, in the service plans for your ministry or the Residential Tenancy Branch. If you are not already aware of it, we further recommend that you review the work of Matthew Desmond (author of *Evicted: Poverty and Profit in the American City*) and the work of the Eviction Lab based at Princeton University (<https://evictionlab.org/>).

8. Recommendation: Encourage municipalities to make it easier to build new purpose-built rental housing

Giving municipalities the ability to zone for rental is an extremely welcome step. We hope you will go further in this regard by encouraging municipalities to find new and innovative ways make it easier, faster and more efficient to build new purpose-built rental housing. We also suggest that you include metrics and targets for new purpose-built rental units in your ministry's service plan.

9. Recommendation: Review the Homeowner Grant program with regard to its fairness and equity to renters and its contribution to your overall housing policy goals

Providing grants to all homeowners regardless of their income and to offset the cost of property taxes is an outdated policy that should be abandoned by any government concerned with equity and fairness.³ Further, this is an extremely expensive program, at a current cost of

² See for example, the news articles discussing a recent “renoviction” episode at a building near Woodland and East Pender streets in East Vancouver. <https://vancouver.sun.com/news/local-news/east-van-apartment-tenants-hope-for-reprieve-after-string-of-evictions> and <https://www.theglobeandmail.com/news/british-columbia/tenants-of-vancouver-apartment-buildings-join-forces-in-opposing-evictions/article36998817/>

³ See also, “BC’s home owners grant serves no public policy purpose.” <https://vancouver.sun.com/opinion/op-ed/opinion-b-c-s-home-owners-grant-serves-no-public-policy-purpose> and “Tax reform task force recommendations to be ignored again by B.C. government,” <https://vancouver.sun.com/news/politics/task-force-recommendations-to-be-ignored-again-by-govt>

about \$825 million. It makes no sense to provide this grant to all homeowners regardless of their need, especially since you also provide the option for many homeowners (based on age and family status) to defer their property taxes until their home is sold. It is especially unfair given that renters as a group are not eligible for a similar grant to offset the costs of maintaining their housing, even though renters are statistically far more likely to become homeless, have lower incomes than homeowners, and are not benefitting from homes (assets) that have rapidly increased in value over the past almost two decades.

10. Recommendation: Increase funding for tenants advocacy and service organizations

The recent additional funding for the RTB is welcome and should be made permanent. It should also be increased until it reaches a level that allows for enhanced training of adjudicators and sustained and substantial reductions in telephone waiting times and expanded service hours. However, enhanced RTB funding should not and cannot replace proper funding of tenant advocacy groups that currently operate on shoestring budgets. Government agencies and grassroots advocacy and service organizations both play very important, but very different, roles in creating and maintaining a fair rental housing system.

Appreciation for work done so far

We acknowledge and appreciate the many steps your government has so far taken to increase the security and stability of rental housing and to fund new rental units, including temporary modular housing for homeless residents. Other welcome steps include addressing the abuse of fixed-term leases, removal of the geographic increase clause, increasing the notice period for no-fault evictions and the compensation required for bad-faith evictions, and increasing the benefits provided under the Rental Assistance Program and Shelter Aid for Elderly Renters.

We would be happy to discuss these matters with you in more detail if that would be helpful. Again, thank you for the opportunity to provide input. We look forward to learning the results of this consultation and hope it results in increased protection, security and fairness for renters.

Yours truly,

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