

MLA Spencer Chandra Herbert,
Premier's Advisor on Residential Tenancy
and the
B.C. Rental Housing Task Force, including
MLA Adam Olson and MLA Ronna-Rae Leonard

17 April 2018

Recommendation hoped for to legislate protection for long-term residential lessors

Dear MLA Chandra Herbert:

Thank you and your colleagues for taking on the task of quickly reviewing B.C. tenancy laws and recommending improvements by the fall of this year.

You are already aware of the plight of long-term residential lessees who are truly renters, but who "own" the multi-decade right to live in their home.... if they can afford the unregulated charges for capital spending and operating cost increases that can reach 38% in one year. Some lessees have already lost their homes and others among us teeter on the financial brink.

While some litigation is pending, no outcome of that can address the need for basic protections for these leaseholders, which include:

- Prohibit landlords using lessees' money to fund the landlord's legal expenses opposing them.
- Prohibit blending capital-project expenses into annual operating budgets.
- Cap the rate of annual increase in suite fees for operating expenses.
- Require transparency in annual operating budgets and detailed annual audits so that lessees can see that funds were properly spent on their behalf.
- Require transparency in planning for capital projects and one-year notice of a major expense.
- Require recognition by landlords of a leaseholders' association.
- Require disputes to be settled via the Civil Resolution Tribunal rather than the courts.
- Prohibit landlords from taking default proceedings for minor tenant breaches.
- Enact end-of-lease provisions to ensure that lessees may keep their homes, and that to do so will remain affordable.

A comprehensive brief on these issues has been prepared by Victoria's lessee Hugh Trenchard and has been delivered to the Deputy Minister of Housing and to the B.C. Law Institute. Rather than grapple with the details of these issues, we ask that your Task Force endorse the principal that legislation is needed for this group of British Columbia tenants and ask the Ministry to act quickly.

You know of the other leasehold buildings where these issues are urgent, but I sign today on behalf of 35 lessees at Orchard House tower, Victoria, who endorsed this letter last evening. We look forward, after 45 difficult years, to basic legislated protection and dispute resolution.



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