

TAPROOT NEWSLETTER

SUMMER 2024

## A Good Start

### New RTA Amendments Promise Greater Protection for Tenants

NIKKI LEE AND THAER HARBER, TENANT LEGAL ADVOCATES



IMAGE CREDIT: THE CANADIAN PRESS (CHRIS YOUNG)

Recently, the province announced amendments to BC tenancy law that aim to provide renters with more protection from bad faith actors. While these changes fall short of some of the demands tenants and advocates have been calling for, such as vacancy control, many of them have the potential to strengthen protections for many BC tenants.

One noteworthy amendment to the *Residential Tenancy Act* and *Manufactured Home Park Act* will prohibit landlords from increasing rent with the addition of a minor to the household, even if the tenancy agreement provides for increased rates when occupants are added. This announcement comes a year after several media stories about a Vancouver landlord who provided a \$600-a-month rent increase to a woman who had just given birth were published, leading to widespread calls for change.

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## WHERE TO FIND US

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*TAPS is based on the traditional, ancestral, and unceded territory of the ɫə́kʷəŋən speaking peoples known today as the Songhees and Esquimalt Nations. We also operate on the unceded territories of the Snuneymuxw, Snaw-naw-as, and Stzuminus people, colonially known as Nanaimo, BC.*

Before this amendment this type of rent increase – as outrageous as it sounds – was perfectly legal in BC. Now, tenants who wish to grow their families will have one less expense to worry about.

Many of the changes proposed by the province aim to make it more difficult for landlords to conduct bad faith evictions under the guise of “landlord’s use.” Under the Residential Tenancy Act, a landlord may serve a tenant with a notice to end tenancy if the landlord intends to then occupy the rental unit or have a close family member move in. A landlord intending to evict for landlord’s use must provide the tenant with two-months’ notice and compensate them in an amount equal to one month’s rent. The primary condition for this type of eviction is that the landlord act in good faith. Unfortunately, some bad actors use this type of notice to evict long-term tenants paying low rental rates, in order to immediately re-rent the unit at a steep increase in price.

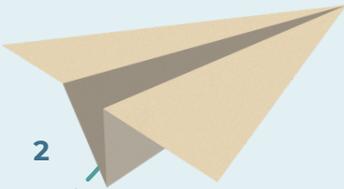
One change that we are glad to see was prohibiting evictions for landlord’s use in purpose-built rental buildings with five or more units. TAPS has represented many tenants who were being evicted from apartment buildings for landlord’s use under the guise that the landlord or a family member wanted to move into their specific suite, even while other suites in the building sat vacant. These tenants were almost always long-term tenants paying low rent due to within tenancy rent control, making them prime targets for for-profit eviction. We hope that this change results in greater stability for vulnerable tenants living in apartment buildings.

Also under the proposed amendments, landlords will be required to submit their information into an online portal which will generate a two-month notice. The online portal will also provide landlords with information to educate them about their rights and obligations when issuing an eviction notice for landlord’s use. In addition, information submitted through the portal will allow for future audits and compliance checks by the Residential Tenancy Board.

At present, landlords who end a tenancy for landlord’s use are required to occupy the rental unit for at least six months after the tenant vacates. Landlords who do not occupy the rental unit after utilizing this type of eviction notice may be liable for a monetary penalty payable to the evicted tenant in an amount equal to 12-months’ rent. Proposed changes to the law would require a landlord or close family member to reside in the rental suite for at least 12 months. Penalties payable by landlords not using the rental unit for stated purposes would also increase under the new legislation. In short, these changes in combination with the online portal are intended to make landlords think twice before serving two-month notices.

The province hopes that increasing application requirements, occupancy time requirements, and monetary penalties in addition to excluding rentals of 5 or more units will help prevent landlords from acting in bad faith and evicting vulnerable tenants. These changes are promising, but fall short of addressing the root issue: that BC’s lack of real rent control means that landlords are financially incentivized to evict tenants.

While the efficacy of the proposed changes remains to be seen, TAPS commends the province’s decision to strengthen tenant protections. We hope that the Residential Tenancy Branch’s online application portal will be effective for screening purposes and provide tenants and tenant advocates with useful statistics regarding landlord’s use evictions. Even still, more needs to be done to address the housing emergency in BC, for example the vast gap between salaries and rent. We hope that the changes do not stop here, and that this announcement sets a trend for even more meaningful pro-tenant legislative changes to come.



**Want to help TAPS send 5000 emails to BC MLAs in support of vacancy control?**

**Learn more at [realrentcontrolbc.ca!](https://realrentcontrolbc.ca)** 

# What's New at TAPS?

It is with a heavy heart that we must announce that our friend and fierce advocate Harriet Manson has passed away, just a few short months after deciding it was time to retire from her long and decorated career. While only with TAPS for the last two years of that career in our Nanaimo office, Harriet spent time working with SEIA (Society for Equity Inclusion and Advocacy) and Nanaimo Citizen's Advocacy before that, and helped keep the Law Foundation's program in Nanaimo afloat through multiple transitions. It is not an exaggeration to say she was one of the most well respected and loved matriarchs of her community, the Snuneymuxw Nation, and the community of legal advocates across British Columbia. Harriet will be dearly missed, and we'll do our best to continue her legacy fighting for the rights of those on income assistance and disability in Nanaimo and beyond.

With Harriet transitioning out of work we have hired Carol Pelletier as our income assistance advocate in Nanaimo, and recently added our first tenant legal advocate in Nanaimo, Courtney Tizya. We are in the process of hiring our first full-time manager in Nanaimo to support the office along with our legal supervisor, Kalila Wilkinson, and by the end of the summer we aim to have five staff in our new office.

This Summer in Victoria we also had a changing of the Madison guard, as our outgoing law student Madison Burt finished her practicum placement with our VDAP program, and we immediately hired a new Madison, Madison Thulien, as our summer law student to work with our tenancy and income assistance teams. While a strange coincidence, we rarely get to have student placements run back to back and having this has provided a really nice period of continued support we don't usually enjoy. Also joining us in Victoria is staff lawyer Julie Beauchamp, who will be with us until the end of the summer covering Leila's maternity leave. Julie comes to us with a wealth of experience and years of practice in refugee and immigration law, and a love of baked goods. We know she'll fit in just fine.

Last but not least, our front desk coordinator, Nate Shelley, has elected to move over to run our VDAP program after the departure of Megan Billings. Nate is a long-time volunteer with the VDAP program, and we look forward to his stewardship of the program in that new role.



Until next time,

DOUGLAS KING  
EXECUTIVE DIRECTOR

ANTONIA MAH  
INTERIM DIRECTOR OF OPERATIONS

## new staff spotlight



SUMMER LAW  
STUDENT

Madison (she/her)

**Where did you grow up?**

Oakville, ON

**What are you watching/reading?**

Watching: *The OC* and *Vanderpump Rules*. Reading: *Running in the Family* by Michael Ondaatje

**Something you're proud of?**

Learning embroidery

**Best part about your new placement?**

A nice office to hang my embroidery in

**An album you'll never get sick of?**

The first three Arcade Fire albums



INCOME  
ASSISTANCE  
ADVOCATE

Carol (she/her)

**Where did you grow up?**

Mostly Williams Lake

**What are you reading right now?**

*Collected Stories* by Jane Gardam and  
*The Push of the Sky* by Camille Alexa

**What's your star sign?**

Pisces

**Something you're proud of?**

My cats, Llewellyn and Bronwen

**Best part about your new job?**

The potential to make a difference

# Finally, Some Updates to Welfare Legislation

GILLIAN GAFFNEY AND CAITLIN WRIGHT, INCOME ASSISTANCE LEGAL ADVOCATES

A lot has changed since 2002, but until this spring, BC's welfare legislation had remained all but untouched. On March 5th, 2024, Bill 7 was introduced to the Legislature, reaching Royal Assent on March 14th, 2024. Bill 7 brought forward changes to 3 Acts, including the *Employment and Assistance Act* (EAA), the *Employment and Assistance for Persons with Disabilities Act* (EAPWDA), and the *Poverty Reduction Strategy Act*. For the purposes of this article, we will take a closer look at a few of the changes to the EAA and the EAPWDA.

## Employment obligations

For clients on Income Assistance, changes to legislation around employment plans mean that the Ministry will finally be taking a step back from their expectation that every client be ready to enter the workforce. By pivoting to an initial "client needs assessment" instead of an automatic employment plan, the Ministry will be better able to meet people where they are at. For some folks, this could mean completing counselling and life skills training before more traditional "job search" tasks. The changes also mean that a dependent youth can request these same supports to better prepare them for the workforce but are not obligated to do so.



For clients with disability designation, while not obligated to search for work, they will see changes that allow access to a needs assessment and resulting employment supports on a voluntary basis to interested recipients and their dependent youth.

## Consequences for non-compliance with employment obligations

Previously, if a client receiving Income Assistance failed to meet their employment obligations, their assistance would be automatically reduced or stopped for a prescribed period of time. Bill 7 changes make ineligibility discretionary, meaning that it won't be the first course of action if someone fails to meet their employment obligations. As it is voluntary for clients with PWD designation to participate in an employment needs assessment or employability plan, there will be zero consequences for failing to comply or meet these obligations.

## Removal of monetary penalties for inaccurate or incomplete reporting

Previously, if a client was overpaid due to accidental inaccurate reporting, they would face a financial penalty which increased with each subsequent occurrence. While reporting obligations remain the same for all recipients, and clients will still need to repay any amounts they are overpaid, they will no longer be required to pay an additional penalty on top of the repayment amounts. Bill 7 also includes some other changes to reporting which are intended to increase flexibility around types and methods of reporting.

## Appeals

When folks are unsuccessful at having a decision reconsidered at the Ministry level, they are able to appeal to the Employment and Assistance Appeal Tribunal (EAAT). Previously, an appeal needed to be initiated within 7 business days of receiving the decision, Bill 7 changed this to 20 business days, to better align with the existing reconsideration timelines. In addition, clients will no longer require the consent of the Ministry to withdraw an appeal if they no longer want to go through with it.

The impact of these changes remains to be seen and will rely on the resulting changes to the regulations for each Act. For example, there are further changes which will allow for joint and consent-based decision-making agreements with Indigenous governing bodies in accordance with the United Nations Declaration on the Rights of Indigenous Peoples (the UN Declaration). What this looks like in practice remains to be seen but will rely heavily on the corresponding changes to regulation. In addition, Bill 7 allows for the Ministry to conduct pilot projects with smaller groups to test ideas and methods before applying them province-wide. Who knows, maybe this could open the doors to a universal basic income pilot project? Wishful thinking? Maybe. We call on the province to heed the calls of clients and advocates for substantive changes to the regulations which will prove that these updates to the Acts are a real commitment to change, and more than lip service. The regulations are desperately overdue for a complete overhaul, and this is the perfect opportunity to see some meaningful changes for community members who have been waiting for far too long.

## The Human Cost of Renoviction

EMMA WHITE, VACANCY CONTROL CAMPAIGNER, AND DOUGLAS KING, EXECUTIVE DIRECTOR

Built in 1973, 519 Sturdee Street is one of many older apartment buildings housing long-term tenants in Esquimalt, many of whom are seniors, people with disabilities, and others surviving on fixed government assistance rates. Less than a year after the building was purchased by developer Andrew Rebeyka, who has a history of renovicting tenants to raise rents, up to 30 tenants are now facing displacement. Their story highlights how gaps in BC tenancy laws make renters vulnerable to exploitative, profit-seeking practices.

Ironically, the building was used as a filming location for the critically acclaimed Netflix mini-series *Maid* (2021), a show about the barriers faced by people experiencing poverty and the impacts of displacement. But for the tenants of 519 Sturdee Street, it's not make-believe: it's their reality.

In 2021, British Columbia introduced changes to the Residential Tenancy Act (RTA) with the intention to curb bad faith renovictions – evicting tenants under the pretext of performing major renovations, with the true goal of re-renting units at higher rates.

While this has been effective in reducing the overall number of renovictions, it may have inadvertently made the process even more challenging for the tenants who so still face this type of eviction.

Tenants are given only 6 weeks to respond and decide whether they want to fight the eviction – which can feel like a losing game if you don't have the resources to hire professionals to evaluate the landlord's reports – or, leave on their own terms.

In this case, the landlord was quick to offer tenants payouts in exchange for signing away their rights to challenge the eviction or obtain further compensation should the landlord not follow through with the proposed renovations.



DOUGLAS KING TALKS TO TENANTS AT 519 STURDEE STREET AFTER PRESS CONFERENCE HELD APRIL 30, 2024

The compensation provided by the RTA for tenants who are evicted by this type of order is only equal to one-month's rent, making it far too easy for the landlords to step in and offer more than that before a hearing even has the chance to occur.

This case is important because it highlights the vulnerability of low-income tenants living in aging apartment buildings, many of whom pay lower rent because they have lived in their suites for years. Not only does BC tenancy law still leave room for tenants to be subject to exploitative and profit-seeking practices at the hands of landlords, the Province is also failing to provide adequate support to tenants facing displacement by renovication. While some municipalities like Esquimalt have created "Tenant Assistance Policies", which are meant to require landlords to provide a much higher level of compensation when displacing tenants, these policies are only triggered when a landlord applies for re-zoning or redevelopment, and do not apply in cases like this, when a landlord is evicting for renovations.

*"The [offer] was not made for us. It was made for the owner and it was made for greed... Places like this have got to be cleaned up for us to continue to live in them, not to be kicked out."*

*- Ilene, tenant at 519 Sturdee*

This is also a prime example of how band-aid solutions can backfire. A more effective way to protect tenants against for-profit renovication would be to remove the financial incentive for landlords to renovict by letting tenants return to their units after renovations or repairs are completed at their old rate of rent. TAPS also calls on the Province and the Residential Tenancy Branch to increase compensation for tenants displaced by renovations and repairs to at least 4-months' rent, and to require landlords to explore solutions that don't displace tenants (for example, moving tenants into vacant suites, when available, while repairs in their suites are completed.)

## UPDATE: SRO VACANCY CONTROL Vacancy Control in Vancouver SRO Housing Has Been Restored!

EMMA WHITE, VACANCY CONTROL CAMPAIGNER



SRO TENANTS AND ALLIES ATTEND A RALLY AT THE COURT OF APPEAL HEARING, NOVEMBER 7 2023

On May 15th, over a dozen SRO tenants, tenant advocates, and allies attended the BC Legislature to witness the passing of Bill 27 — a historic win for Vancouver's DTES. After years of legal challenges to the SRO Vacancy Control bylaw (covered in previous issues of *Taproot*) that was originally passed in 2021, the *Municipalities Enabling and Validating (No. 5) Amendment Act, 2024*, immediately restores this crucial protection for up to 3600 SRO tenants. This win is thanks to years of tireless advocacy and lobbying from the Downtown East Side (DTES) SRO-Collaborative, who have been committed to improving the lives of DTES residents for nearly a decade. TAPS is proud to have been a partner in and supporter of this initiative and we hope it paves the way for wider-spread vacancy control policy in BC.

## About TAPS

Together Against Poverty Society (TAPS) is the largest anti-poverty organization on Vancouver Island. Established in 1989, TAPS is a recognized leader and resource for citizens, community groups, and social agencies attempting to reduce poverty, serving over 7,000 residents of Greater Victoria, adjacent municipalities, and the Southern Gulf Islands each year... and we still cannot meet the needs of all who approach us.

At TAPS, we believe that the causes of poverty are in the social, economic and political institutions of our society – not the failings of the individual. Through legal advocacy and public education, we have a positive impact on people's lives in ways that honour and promote human rights, justice, and a healthy, sustainable community. TAPS is a non-profit society whose membership is open to individuals or groups concerned with the preservation of civil society, social justice, the eradication of poverty, as well as the continuing moral progress of those ideals.



### become a DONOR

The simplest way to support TAPS with a financial donation is online at: [www.tapsbc.ca/donate](http://www.tapsbc.ca/donate)

Want your contribution to go farther? Consider becoming a **monthly donor!**

Physical donations can be mailed to or dropped off at:  
**828 View St.**

**Victoria BC, V8W 1K2**

If you'd like a charitable tax receipt, be sure to include your name, contact information, and mailing address!

### become a MEMBER

Please consider becoming a member of our organization to support the important work we do in the fight against poverty.

TAPS members can vote at our AGM and receive updates on our work throughout the year. There is no cost to membership.

To fill out a membership form, visit: [www.tapsbc.ca/taps-membership](http://www.tapsbc.ca/taps-membership) or swing by our office!

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