

TAPROOT NEWSLETTER

FALL 2024

# View Royal Tenants Successfully Defend Against Massive Rent Increase

JULIE BEAUCHAMP, DOUGLAS KING, NIKKI LEE



IMAGE CREDIT: CHEK NEWS (OLI HERRERA)

**Capital expenditure rent increases may be coming your way** – Vancouver Island tenants could soon be forced to pay indefinitely for major repairs undertaken by their landlords.

Tenants of the Christie Point apartment complex can finally breathe a sigh of relief after the Residential Tenancy Branch (RTB) dismissed their wealthy landlord's rent increase application for capital expenditures.

Now, they're calling on the provincial government to change the rules in order to better protect tenants from capital expenditure rent increases.

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## WHERE TO FIND US

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*TAPS is based on the traditional, ancestral, and unceded territory of the ɫəkʷəŋən 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.*

**Christie Point Apartments** is located in View Royal, and was purchased by the Killam Apartment Real Estate Investment Trust ("Killam REIT") in 2020. Despite posting record breaking profits of more than 125 million dollars of net income in the first fiscal quarter of 2024, Killam REIT applied to the RTB for a "capital expenditure rent increase." Killam's hope was that increasing rent by up to \$130/month would cover the cost of replacing the roofs of two buildings at Christie Point.

In the RTB decision, the presiding arbitrator denied Killam's application for the additional rent increase, finding that it was reasonably foreseeable that the buildings would require repairs to the roofs, and that the tenants should not be held responsible for the landlord's decision to purchase a 60-year old building. The decision does not prevent the landlord from seeking future rent increases for repairs, and residents remain worried that this was just the initial effort by the landlord to get rid of its low-income tenants in order to re-rent units at much higher rates.

Myrna Frizell, who has lived at Christie Point with her husband for over 13 years, said: "We keep wondering, what comes next? Are we supposed to pay for every repair the landlord has to make? What are we even paying rent for if it isn't used to repair the building?"

TAPS believes that landlords like Killam should be required to open their books and prove they cannot afford to make repairs through existing rental income before being granted an increase. It is insulting to tenants to see Killam brag to their investors about their financial gains and then turn around and inform tenants that they need rent increases to cover building repairs.

It's time the provincial government recognizes they have made a mistake in allowing these rent increases without requiring even basic confirmation that the landlord cannot afford them with existing rent revenue.

## **The Capital Expenditure Loophole**

In 2021, the Province of BC introduced amendments to the Residential Tenancy Act which allow for landlords to apply for rent increases over and above the maximum allowable increases if it is meant to cover a capital expenditure to improve the building. How wealthy the landlord is, or how much profit it makes from the building it seeks to repair, is not considered. The value of a property, and whether or not a landlord has already received a reduction in the purchase price to account for needed repairs is not taken into account. Perhaps most surprisingly, capital expenditure rent increases are not timed to end once the repair has been covered. This means that once an increase is approved, the tenants will likely continue to pay increased rent long after those increases have covered the cost of the stated repairs.

# **Pathway to Support or Obstacle Course? Barriers in the Persons With Disabilities (PWD) Process**

NATE SHELLEY, VOLUNTEER DISABILITY ADVOCACY PROJECT COORDINATOR

The Persons With Disabilities (PWD) benefit in British Columbia is intended to provide improved financial and medical support for folks who face significant barriers in their daily lives because of their conditions. However, this process that is meant to connect them to help often adds to their burdens. The application process is bloated, time-consuming, and is filled with bureaucratic hurdles that are overwhelming for those already struggling with physical, mental, and financial challenges. A story that we often hear from clients is that applying for PWD feels more like an obstacle course meant to keep people out, than a pathway to support. This leaves lots of room to make the PWD application more effective, more accessible, and less resource-draining for both applicants and healthcare professionals.

### **Barrier: physician involvement**

On Vancouver Island, waitlists for a family physician are years-long, and make it nearly impossible for some to have their applications filled-in within a reasonable time-frame – particularly so when a person has urgent needs for shelter or medical support.

Imagine a person who wishes to apply for PWD. They need the application filled in, but do not have a family doctor. They try visiting a walk-in clinic, but they are unable to book an appointment because they do not have an existing file. They try calling an Urgent & Primary Care Centre, but each time they call they are told that no doctors are available. Many visitors to TAPS report that they need to persist, to call over and over again, before they are able to see someone. Even if they secure a meeting there is no guarantee that the doctor will have the time or desire to fill out the forms.

### **Barrier: mystified language and expectations**

Another all-too-frequent issue that we encounter are misunderstandings for the language and expectations that the Ministry has for the PWD application: physicians and assessors often fixate on employability instead of restrictions to activities of daily living, or misunderstand the meanings that the Ministry attributes to terms like “independent” or “assistance required”. Often, we encounter healthcare professionals who clearly care a great deal, and who put a lot of work into an application, but make some key mistakes that undermine an application’s chances for success. Better communication from the Ministry and clearer guidelines for the PWD application could go a long way to fixing this issue.

### **What can be done to improve the PWD process?**

- 1. Widen the definition of who can fill in the PWD application:** Previously, the Ministry has expanded who was authorized to fill in Section 2 from only physicians to include nurse practitioners (NPs) as well. While that change has improved access to PWD, physicians and NPs continue to be a rare resource and have a great deal of demand on their time. Further expanding the definition of who can fill in Sections 2 & 3 could free up physicians and nurse practitioners for other tasks that are more demanding of their expertise, and also make it easier for clients to access the benefits they require.
- 2. Shorten the application:** In its present form, the PWD application is nearly thirty pages long, and calls for pre-existing relationships with qualified professionals for the best chance of success – a requirement that is becoming more and more unrealistic as the cracks in our healthcare system grow.
- 3. Improve compensation for applying:** The fee for filling in the application is inadequate, particularly for the much longer Section 3. A successful PWD application requires a high level of detail, and so improving compensation for completing the forms would incentivize healthcare professionals to give the necessary time and attention to their clients’ applications. More time and effort spent would increase an applicant’s chances of approval.

In conclusion, the barriers within the PWD application process are significant obstacles that can delay or even deny support for the folks who need it most. Measures like widening the scope of who can fill in the application, shortening the form itself, and improving compensation for healthcare professionals, can make the process more accessible and relieve some of the strain on our healthcare system. These changes could make PWD work better, and better serve the folks it is meant to help – effective support for those facing significant challenges in their lives.



## What's New at TAPS?

This summer was eventful and fleeting to say the least. We have many updates to share with you as we head into the fall season.



Over the last few months we have undergone another wave of staff transitions as some incredible individuals depart and new fresh faces arrive. While our campaign lives on, our designated Vacancy Control Campaigner, Emma White, has departed TAPS as this position came to an end. Those of you who follow us in the media will remember Emma as she was the face of our rent control initiative, and we are excited to announce she has agreed to stay on board on a contract basis to continue running our social media, digital communications, and Taproot newsletter. It is a rare thing in TAPS history to have a position solely devoted to systemic advocacy, and the work Emma and her predecessors did to build community momentum will serve as a foundation as we continue to advocate for vacancy control in BC.

Next, we said goodbye to Siobhan Harvey, our Tax Coordinator, and Navreet Kaur, our Tax Student from Camosun, after getting us through our busiest tax season yet. Taking over as Tax Coordinator is Rick Kwan, who brings a wealth of tax and community support knowledge. Nate Shelley has officially settled in to our Volunteer Disability Advocacy Program and we welcome Grant Mix, another wonderful addition with plenty of tech, volunteer coordination, and event planning experience. Madison Thulien, our Summer Law Student from UVic left us after dazzling us all with her passion for research and poverty law. Sophie Chen started as an articling student with us in May, and we are finally enjoying her presence in the office after she was away for the summer completing the Professional Legal Training Course for her UVic Law degree. Sophie will be primarily working in our Residential Tenancy and Litigation projects, but lent our Income Assistance team a hand when she first arrived. Julie Beauchamp has been standing in as a Staff and Supervising Lawyer to cover Leila Geggie Hurst's maternity leave, and we are overjoyed to retain her for a few more months as she continues to lend our team supervision remotely in the fall. Come November we will dearly miss Julie's infectious enthusiasm, media skills, and creative legal brain. It is always an honour in and of itself to recruit a legal supervisor with advocacy experience, but it has been a true treat to welcome back Erin Pritchard, a previous Income Assistance Advocate who left TAPS in 2013. Erin is back as a Legal Supervisor for our Income Assistance team, a perfect fit. Finally, we bid Courtney Tizya farewell after quickly becoming an essential addition as our Nanaimo Tenant Advocate. Courtney departs to very bright things on the horizon as she is accepted into the Common Law and Indigenous Legal Orders program at UVic.

Our Nanaimo office grew to a staff of five with the addition of a new manager, Angela Nguyen. Coming from the Vancouver Island Regional Library, she has several years of experience working alongside those in poverty, and de-escalating conflict. Her technology and community engagement skills have already become an essential asset to our team as she gets the Nanaimo office up and running. Angela shares these words of welcome with us as she settles into her new position:

*"Hello from Nanaimo! We are proud to announce that TAPS Nanaimo has a new space set up and ready for clients where we can directly assist the community and serve its advocacy needs. We are fully staffed, furnished, and spreading the news of our services! Thank you to Kalila for lending management support and coordinating our furniture donation (Thank you, Terry)! We hope to extend the amazing services TAPS provides in Victoria to the Nanaimo community."*

DOUGLAS KING  
EXECUTIVE DIRECTOR

ANTONIA MAH  
INTERIM DIRECTOR OF OPERATIONS

ANGELA NGUYEN  
DIRECTOR OF OPERATIONS, NANAIMO

# new staff spotlight



**Rick**  
(he/him)  
TAX PROJECT  
COORDINATOR

**Where did you grow up?**  
Penang, Malaysia

**What are you reading right now?**  
*Flying to Extremes*

**Something you're proud of?**  
Piloting a plane from Denver to  
Vancouver

**Best part of your new job?**  
My new family here at TAPS



**Grant**  
(he/him)  
FRONT DESK  
COORDINATOR

**One album you never get sick of?**  
*In Our Own Sweet Time*, Vance Joy

**Where did you grow up?**  
Edmonton, Alberta

**What are you reading right now?**  
*Love of My Life* by Rosie Walsh

**Best part of your new job?**  
Getting to talk with so many  
new people every day



**Angela**  
(she/her)  
DIRECTOR OF  
OPERATIONS,  
NANAIMO

**Where did you grow up?**  
Born in Ontario, but raised on the  
Island!

**A book that changed your life?**  
*One Piece*

**What are you reading now?**  
*The Rituals of Dinner* by Margaret  
Visser

**Best part of your new job?**  
Talking with so many while they  
share their experiences



**Julie**  
(she/her/elle)  
STAFF &  
SUPERVISING  
LAWYER

**Something that you're proud of?**  
I speak both English and French,  
and am soon to be trilingual!

**One album you never get sick of?**  
Celine Dion's Christmas album,  
*These Are Special Times*

**Where did you grow up?**  
Saint-Jérôme

**Best part of your job?**  
The team



**Erin**  
(she/her)  
LEGAL  
SUPERVISOR

**Where did you grow up?**  
In a small prairie town called  
Morinville, AB

**Something you're proud of?**  
Being a part of the incredible legal  
advocacy network across the  
province. Outside of work: learning  
to play the banjo and my two wild  
kids, Emmylou and Daphne

**An album you'll never get sick of?**  
*Small Town Heroes*, Hurray for the  
Riff Raff



**Sophie**  
(she/they)  
ARTICLING  
STUDENT

**What's your star sign?**  
Leo sun, Capricorn moon,  
Sagittarius rising ^\_^

**Something you're proud of?**  
Knitting a Snoopy sweater for my  
partner!

**An album you'll never get sick of?**  
*The Idler Wheel...*, Fiona Apple

**Best part of your new job?**  
Getting to do work that I really  
care about

## welcome to the team!

# Tenancy Law Changes in BC: What You Need to Know

SOPHIE CHEN, ARTCLING STUDENT, AND STEVE HEMMERICH, TENANT LEGAL ADVOCATE

As we transition from summer to fall, the province continues to roll out its planned amendments to BC tenancy law. Most notably, legislative changes that target timelines and procedure around landlord's use evictions were recently introduced.

Under the *Residential Tenancy Act* (RTA), a landlord may serve a notice to end tenancy on a tenant if the landlord themselves, or a "close family member" (for example, a parent, spouse, or child) of the landlord, wishes to occupy the rental unit. This category of notice under the RTA has long been a source of bad-faith evictions by landlords seeking to evict long-term tenants in order to raise rents beyond the legally permitted rent increase limit.

On July 18, 2024, the requirement for the amount of notice a landlord must provide to end a tenancy for landlord's use increased from two months to four months. In addition, landlords must generate the notice to end tenancy through the Residential Tenancy Branch's newly introduced Landlord Use Web Portal. When generating notices to end tenancy, landlords will now be required to include information about the persons moving into the home. The province hopes that the use of standardized forms will reduce the number of disputes resulting from eviction notices that are defective in form. The web portal will also provide information to landlords about the required conditions for ending a tenancy, the penalties associated with evicting in bad faith, and the amount of compensation they will be required to issue to tenants evicted in bad faith.



As well, tenants now have 30 days to dispute the notice to end tenancy, increasing from the previous time limit of 15 days. Tenants also have the option of requesting an extension for additional time to file a dispute.

Despite the short period of time given to assess the effect of these changes, the province has already backtracked on some of its amendments in light of pushback from real estate, mortgage, and building industry stakeholders. Now, as of August 21, 2024, a landlord issuing a notice to end tenancy on behalf of a purchaser must provide three months' notice rather than four. Significantly, the time limit for the tenant to file a dispute in these cases has been cut down from 30 days to 21 days.

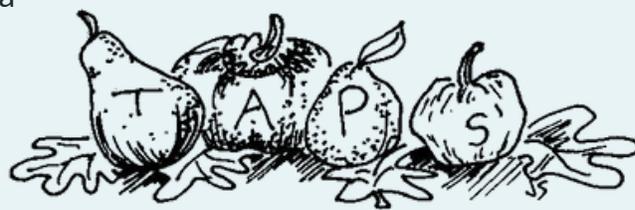
## ***A step in the right direction, but not good enough...***

While TAPS commends the province's efforts to strengthen protections for tenants, we are disappointed at the province's choice to undo some of the pro-tenant measures that were only recently implemented, in favour of the interests of real estate developers. This decision overlooks the precarious position that many renters are in, given the housing crisis in BC, and in particular the kind of renters who are most exposed to the risk of bad-faith evictions. As well, the multiple amendments within a short time period have created additional confusion for tenants, who must be extra vigilant when examining any eviction notice they receive to ensure that both they and their landlord comply with the correct legal requirements.

## 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!

## OUR FUNDERS:



United Way  
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