

Fact Sheet for Police | *Residential Tenancy Act*

Where the Act does apply:	Where the Act does <u>NOT</u> apply:
<ul style="list-style-type: none"> ✓ Tenancy agreements ✓ Rental units – in apartments or houses ✓ Residential rental properties ✓ Rooming houses where the owner does not share bathroom or kitchen facilities with the tenants ✓ Manufactured home park units, where the tenant rents both the home and the site ✓ SRO Hotels where the room is the tenant’s home <p>A similar piece of legislation:</p> <p>*The <i>Manufactured Home Park Tenancy Act</i>, applies to situations where the tenant owns a Manufactured home and rents the site it sits on.</p>	<ul style="list-style-type: none"> ✗ Accommodation where the tenant shares bathroom or kitchen facilities with the accommodation’s owner (i.e. a home stay) ✗ Accommodation owned and operated by an educational institution (dorms) ✗ Emergency and transitional housing ✗ Community care, continuing care and assisted living facilities ✗ Co-ops or not for profit cooperative housing where the tenant is a member of the cooperative ✗ Public and private hospitals ✗ Accommodation occupied for vacation or travel ✗ Correctional institutions ✗ Commercial tenancies
When it may be appropriate for Police to Get Involved:	When it is NOT appropriate for Police to get involved:
<ul style="list-style-type: none"> ✓ A court bailiff executes a Writ of Possession and fears physical resistance ✓ A landlord suspects the tenant has passed away ✓ A document must be served and the landlord or tenant fears the reaction ✓ When a landlord enters a rental unit after serving proper written notice and is concerned a tenant may physically resist this legal entry ✓ The landlord needs to enter because of an emergency ✓ The landlord files a complaint about illegal activity in a rental unit ✓ To inform tenants that a landlord has the right to enforce an order of possession by engaging a Court Bailiff to remove all of the tenant’s belongings ✓ To respond to a complaint from a landlord or tenant regarding excessive noise, imminent serious damage to property, or physically threatening confrontations between tenants or between landlord and tenants 	<ul style="list-style-type: none"> ✗ If asked to serve any documents ✗ To act as a witness for service ✗ To execute an Order of Possession or Writ of Possession ✗ Remove a person from a rental unit, unless that person is under arrest or a Court Bailiff, acting under a Writ of Possession, requests police assistance ✗ When asked to make a decision regarding landlord or tenant rights ✗ To seize properties to compel payment of a monetary order ✗ To let a landlord into a residential unit to seize personal property or change the locks

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What can a court bailiff do?

- ✓ Under a Writ of Possession issued by the BC Supreme Court, remove the tenant and the tenant's belongings from the residential property
- ✓ Seize and sell goods of the debtor/tenant to cover the landlord's costs of execution
- ✓ Serve small claims notice of claim on the tenant for the costs incurred.

What is the landlord prohibited from doing?

- ✗ Entering a rental unit without giving 24 hours notice in writing (unless there is an emergency)
- ✗ Seizing tenants property for any reason without a court order
- ✗ Changing the locks of a rental unit without a Residential Tenancy Branch order (**Tenants are also prohibited from changing the locks without permission from the landlord or an order from the Residential Tenancy Branch)
- ✗ Physically removing a tenant or the tenant's property. Only a court bailiff may do this
- ✗ Using the services of a bailiff firm (to evict a tenant) that does not have a contract with the Ministry of Attorney General to perform these services
- ✗ A landlord cannot remove the tenant and their belongings nor seize and sell the tenant's possessions...a court bailiff **must** be engaged to do these tasks.

There are a variety of notices that must be legally served by a landlord or tenant that include:

- 10 day notice on RTB form
- One month notice on RTB form
- Two month notice on RTB form
- RTB Notice of Hearing – similar to a summons, notifying the other party that a Dispute Resolution Hearing has been scheduled
- Order of Possession – RTB Order issued by an arbitrator that gives the landlord the right to repossess the rental unit and requires the tenant to move out

Note: Under the RTA there is no such thing as a 24 hour or 5 day notice to vacate a rental unit in BC.