

## For Landlord and Tenants, Residential Tenancy Act

GEN-02

WHERE THE <i>ACT</i> DOES APPLY:	WHERE THE <i>ACT</i> DOES <u>NOT</u> APPLY:
<ul style="list-style-type: none"> <li>✓ Tenancy agreements</li> <li>✓ Rental units – in apartments or houses</li> <li>✓ Residential rental properties</li> <li>✓ Rooming houses where the owner does not share bathroom or kitchen facilities with the tenants</li> <li>✓ Manufactured home park units, where the tenant rents both the home and the site</li> <li>✓ SRO Hotels where the room is the tenant’s home</li> </ul> <p><b>A similar piece of legislation:</b></p> <p>*The <i>Manufactured Home Park Tenancy Act (MHPTA)</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"> <li>✗ Accommodation where the tenant shares bathroom or kitchen facilities with the accommodation’s owner (i.e. a home stay)</li> <li>✗ Accommodation owned and operated by an educational institution (dorms)</li> <li>✗ Emergency and transitional housing</li> <li>✗ Community care, continuing care and assisted living facilities</li> <li>✗ Co-ops or not for profit cooperative housing where the tenant is a member of the cooperative</li> <li>✗ Public and private hospitals</li> <li>✗ Accommodation occupied for vacation or travel</li> <li>✗ Correctional institutions</li> <li>✗ Commercial tenancies</li> </ul>
WHEN IT MAY BE APPROPRIATE FOR POLICE TO GET INVOLVED:	WHEN IT IS <u>NOT</u> APPROPRIATE FOR POLICE TO GET INVOLVED:
<ul style="list-style-type: none"> <li>✓ A court bailiff executes a Writ of Possession and fears physical resistance</li> <li>✓ A landlord suspects the tenant has passed away</li> <li>✓ A document must be served and the landlord or tenant fears the reaction</li> <li>✓ When a landlord enters a rental unit after serving proper written notice and is concerned a tenant may physically resist this legal entry</li> <li>✓ The landlord needs to enter because of an emergency</li> <li>✓ The landlord files a complaint about illegal activity in a rental unit</li> <li>✓ 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</li> <li>✓ 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</li> </ul>	<ul style="list-style-type: none"> <li>✗ If asked to serve any documents</li> <li>✗ To act as a witness for service</li> <li>✗ To execute an Order of Possession or Writ of Possession</li> <li>✗ 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</li> <li>✗ When asked to make a decision regarding landlord or tenant rights</li> <li>✗ To seize properties to compel payment of a monetary order</li> <li>✗ To let a landlord into a residential unit to seize personal property or change the locks</li> </ul>

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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 (RTB) order  
(\*Tenants are also prohibited from changing the locks without permission from the landlord or an order from the RTB)
- ✗ 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 form number RTB-30
- One Month Notice – on form number RTB-33
- Two Month Notice – on form number RTB-32
- Four Month Notice - on form number RTB-29
- 12 Month Notice (MHPTA) – on form number RTB-31
- Notice of Dispute Resolution Proceeding – similar to a summons, notifying the other party that a Dispute Resolution Proceeding 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.

### FOR MORE INFORMATION

RTB website: [www.gov.bc.ca/landlordtenant](http://www.gov.bc.ca/landlordtenant)

Public Information Lines 1-800-665-8779 (toll-free)

Greater Vancouver 604-660-1020

Victoria 250-387-1602

### Residential Tenancy Branch

Office of Housing and Construction Standards

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