

Legislative Changes to Tenancy Laws – 2021

Residential Tenancy Branch

Why the changes?

These changes are based on recommendations from the Rental Housing Task Force on ways to improve rental housing and protect tenants and landlords in British Columbia.

What has changed:

Rent freeze:

Annual allowable rent increases have been frozen until the end of 2021. The earliest a tenant can see a rent increase is January 2022. Landlords must notify tenants of any rent increases three months in advance.

Ending a tenancy for renovations:

The process for ending a tenancy for renovations is changing. Landlords intending to complete renovations or repairs that are necessary to sustain or prolong the life of the rental unit must apply online to the Residential Tenancy Branch (RTB) for an order of possession. They must have all permits and approvals required, and will need to prove that the only way to complete the work is by ending the tenancy. Tenants will have the opportunity to dispute and provide evidence. If the landlord is granted the order, the tenant will be given four months notice to find new accommodation. This process takes effect July 1, 2021.

Additional rent increase for capital expenditures:

Landlords may apply for additional rent increases when they have completed necessary repairs to the rental unit or building. These changes will encourage landlords to invest in their rental property by allowing them to recover some of those costs through modest rent increases approved by the RTB Director. The changes take effect July 1, 2021.

Additional tenant's compensation (notice to end tenancy for landlord's use):

Currently, if a tenant seeks compensation against their landlord for not taking the steps to accomplish the stated purpose for ending a tenancy within a reasonable amount of time, the burden is on the tenant to prove it. An amendment is shifting the onus to the landlord to prove they have used the property for the stated purpose of ending the tenancy. The change takes effect July 1, 2021.

What changes are coming?

Expanding review grounds to improve procedural fairness in tenancy disputes:

Changes will allow the RTB to review a decision when it is clear an error has been made, rather than having to go to the courts. It will reduce the cost to renters, landlords, the courts and government, and time that would be spent on judicial review.

Greater authority for the Compliance and Enforcement Unit to pursue administrative penalty investigations:

An amendment broadens the type of material the director may compel from someone. It also allows the director to compel records from a person, such as a contractor or other third party, who may hold information related to the investigation, but who is not under investigation.

2

Review process for administrative penalties:

An amendment would establish grounds of review specific to administrative penalties. It would also give the RTB authority to undertake a review of an administrative penalty on the RTB's initiative, rather than having to wait for the tenant or landlord to file a review.

Manufactured Home Park Tenancy Act (MHPTA) park rules:

Language was clarified in the MHPTA to ensure that park rules, which can be changed easily by the park owner, do not override an existing tenancy agreement. Currently, there are no limits to how often park rules can be changed, which can lead to frequent changes that may unfairly target tenants. New regulatory authority will allow future changes to limit the frequency that park owners may change park rules. These changes will come through regulation after consultation with park and homeowner stakeholder groups over the coming months.

For more information, please visit the RTB's website: www.gov.bc.ca/landlordtenant

