

## **Housing Rights**

*This fact sheet explains the law in general. It is not intended as legal advice for your particular problem. Because each person's situation is different, you may need to seek legal advice. The information in this fact sheet was reviewed by a lawyer and was last updated on 6 December 2022.*

In the province of British Columbia, there are specific laws that govern tenant-landlord relationships. This fact sheet explains what a residential tenancy is, your general rights and responsibilities as a tenant, policy updates on housing rights during COVID-19, and options to resolve tenancy-related issues.

### **What is a residential tenancy?**

A residential tenancy refers to a tenant-landlord relationship in a residential housing situation. If you rent a place from a landlord to live in BC, you likely have a residential tenancy. BC's provincial tenancy laws provide rules that cover most residential tenancy situations. The rules are found in the *Residential Tenancy Act (RTA)*.

It is worth noting, however, that not all housing situations are covered by the *RTA*. If your situation is not covered by the *RTA*, your rights as a tenant will be less clear.

### **Is my tenancy covered by the *RTA*?**

First and foremost, you will want to know if your situation is covered by the *RTA*.

The *RTA* sets out housing situations that are **not** covered by the Act. If your situation falls squarely into any of those listed, you are not covered by the *RTA*. Among others, they include situations where the tenant shares bathroom or kitchen facilities with the owner. So, for example, a care worker who lives in the employer's house and shares the bathroom or kitchen with their employer would not be recognized as a tenant under the *RTA*. The complete list of situations that are not covered by the *RTA* can be found at

[https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/02078\\_01#section4](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/02078_01#section4)

If a dispute arises over whether your situation is covered by the *RTA*, you and your landlord can apply for dispute resolution with the BC Residential Tenancy Branch (RTB). You can apply online at <https://www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies/solving-problems/dispute-resolution>. The BC RTB is responsible for solving rental disputes under the *RTA*. Your situation must fall under the *RTA* for the BC RTB to step in. Therefore, if the RTB determines that they cannot deal with your situation because it is not covered by the *RTA*, you may want to turn to other options such as seeking legal advice.

## **I don't have a tenancy agreement. Am I still protected?**

Yes. The absence of a tenancy agreement alone does **not** mean that you don't have a residential tenancy. For example, paying a security deposit or paying rent means that a tenancy has started. To best protect your rights as a tenant, however, you are strongly encouraged to obtain a copy of the tenancy agreement at the beginning of your tenancy. Please note that the landlord is required to prepare a written agreement for each tenancy. The BC RTB provides a tenancy agreement template, which can be found at [https://www2.gov.bc.ca/assets/gov/housing-and-tenancy/residential-tenancies/forms/rtb1\\_chrome.pdf](https://www2.gov.bc.ca/assets/gov/housing-and-tenancy/residential-tenancies/forms/rtb1_chrome.pdf).

## **My tenancy is covered by the RTA. What are the rules that tenants and landlords need to follow?**

Your responsibilities as a **tenant** include:

- Paying rent and other fees in the tenancy agreement on time;
- Keeping the rental unit and common areas clean;
- Repairing any damage that you or your guests cause as soon as possible (this does not include reasonable wear and tear);
- Telling the landlord of any needed repairs or problems, such as mice, cockroaches, or bedbugs; and
- Not disturbing other people living in the building or neighbouring property and not letting guests do so either.

**Landlords** are responsible for:

- Making sure the rental unit and the building are reasonably safe, healthy and suitable to live in;
- Providing a tenancy agreement, condition inspection reports, and giving receipts for rent or other fees paid in cash;
- Doing repairs and keeping the rental unit and building in good condition;
- Ensuring the rental unit and building has proper heating, plumbing, electricity, locks, walls, floors, and ceilings (with no water leaks or holes);
- Maintaining anything included in the tenancy agreement, such as the fridge, stove, laundry facilities, garages, and storage sheds; and
- Paying the utility bills if utilities are included in the rent.

## **COVID-19 changes for housing rights:**

The BC provincial government implemented new housing policies in response to the COVID-19 pandemic. As a tenant, your rights and responsibilities include the following:

- Wearing masks in public indoor settings is no longer required by public health. Wearing a mask is a personal choice.

- A rent increase freeze was in effect for residential tenancies until 31 December 2021. This meant that your landlord could not increase your rent in 2021. As of 1 January 2022, landlords may increase rent in 2022 by a maximum of 1.5 percent, based on inflation. The 2023 maximum increase will be 2%. However, if a landlord chooses to increase rent, they must provide a full three months' notice to tenants using the approved form. Landlords may only increase rent once annually.
- If you had unpaid rent or utilities during the period of March 18, 2020 to August 17, 2020, your landlord cannot end your tenancy without giving you a repayment plan.

### **What can I do if I have residential tenancy issues?**

If your tenancy is **covered** by the *RTA*, you may seek free legal assistance from either the BC RTB or The Tenant Resource & Advisory Centre (TRAC).

- The BC RTB is the agency that administrates the *RTA*. Their contact information is as follows:
  - Phone: 604-660-1020 (Lower Mainland), 250-387-1602 (Victoria) or 1-800-665-8779 (toll-free)
  - Email: [HSRTO@gov.bc.ca](mailto:HSRTO@gov.bc.ca)
  - Website: <https://www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies/contact-the-residential-tenancy-branch>
- The TRAC is a non-profit organization that provides free legal assistance on residential tenancy matters. Their contact info is as follows:
  - Call 604-255-0546 (Lower Mainland) or 1-800-665-1185 (toll-free)
  - Website: <https://tenants.bc.ca/>
- Access Pro Bono is a non-profit organization that provide free lawyer referral services. They have a residential tenancy program. Their contact info is as follows:
  - Phone: 1-877-762-6664 (toll-free)
  - Website: <https://accessprobono.ca/get-legal-help>

If your tenancy is **not** covered by the *RTA*, you may consider seeking legal advice about your situation from other sources.

- Access Pro Bono:
  - Phone: 1-877-762-6664 (toll-free)
  - Website: <https://accessprobono.ca/get-legal-help>
- Law Students' Legal Advice Program (LSLAP) is a non-profit run by law students at the Peter A. Allard School of Law at the University of British Columbia. They provide free legal assistance to eligible clients in the Lower Mainland. Their contact info is as follows:
  - Phone: 604-822-5791
  - Website: <https://www.lslap.bc.ca/>

Moreover, the BC RTB website provides tips for tenants and landlords on common topics about renting. For more information, visit <https://www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies/calculators-and-resources/quick-tips-for-landlords-tenants>