

# Residential Tenancy Law during the COVID-19 Pandemic

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**BCNPHA**

BC Non-Profit Housing Association

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# Residential Tenancy Law during the COVID-19 Pandemic

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# Residential Tenancy Law During the COVID-19 Pandemic

**Presenter: Ripan Hans**  
**BC Non-Profit Housing Association Webinar**  
**April 9, 2020**

# Overview

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- 1. Changes to the Residential Tenancy Act due to COVID-19:**
  - Ministerial Emergency Order No. M089
- 2. Q&A Session**
- 3. Resources and more information.**

# Useful Links

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[BCNPHA Resources on COVID-19](#)

[CMHC COVID-19 News and Updates](#)

[Residential Tenancy Board COVID-19 related updates](#)

[Human Rights Tribunal News and Updates](#)

[The Ministry of Health](#)

[First Nations Health Authority](#)

# What the Law Says: The Residential Tenancy Order

- A Residential Tenancy Order was made by the Minister of Public Safety and the Solicitor General under *the Emergency Program Act* titled the Ministerial Order No. M089
- The full text of the Order can be found here:  
[http://www.bclaws.ca/civix/document/id/mo/mo/2020\\_m089](http://www.bclaws.ca/civix/document/id/mo/mo/2020_m089)
- The Order and its contents are now law.
- The Order is in effect until the state of emergency declared by the Province is cancelled.

# The Residential Tenancy Order

## Contents of the Order:

1. Ending Tenancies
2. Evictions
3. Rent Payments
4. Rent Increases
5. Restricted Tenant Access
6. Landlord's Right to Enter Unit Limited
7. Amendments regarding Service of Documents

# The Residential Tenancy Order

## 1. Ending Tenancies

- **Landlords must not issue a new notice to end tenancy as long as the state of emergency remains**
  - Landlords cannot serve a notice to end tenancy for unpaid rent, renovations, failure to qualify for a rental unit in subsidized housing as long as the emergency order remains in effect
  - There are some exceptions.
- **An exemption for exceptional cases: a Landlord can apply for dispute resolution with the RTB if ending the tenancy is needed to protect health and safety, or prevent undue damage to property.**



# The Residential Tenancy Order

## 1. Ending Tenancies (Continued)

- **If a Landlord served a Tenant with a Notice to End Tenancy that was issued before the Emergency Order. That Notice to End Tenancy remains valid.**
  - **Either a dispute hearing will be held and an arbitrator will decide whether or not to grant the Landlord with an Order of Possession.**
  - **If a dispute hearing has already been held and the Landlord has an Order of Possession before the date of the Emergency Order, the Landlord may or may not be able to enforce the Order of Possession.**

# The Residential Tenancy Order

## 2. Evictions

- If a Landlord applies for an RTB dispute hearing to end tenancy under exceptional circumstances while the Order is in place, the Landlord can file an Order of Possession with the Supreme Court
- Unless it is an emergency, a Landlord cannot file an order of possession with the Supreme Court to use a court bailiff to evict a tenant

# The Residential Tenancy Order

## 3. Rent Payments

- Tenants must still pay rent
- Temporary rental supplements offered by the Province
- Landlord cannot serve a notice to end tenancy for non-payment of rent as long as the Emergency Order is effective
- Rent Deferral Agreements

# The Residential Tenancy Order

## 4. Rent Increases

- Landlords may serve notice of rent increase
- However, any rent increases will not be effective until the Emergency Order ceases to be in effect
- There are some exceptions

# The Residential Tenancy Order

## 5. Restricted Access

- A Landlord can restrict the use of common or shared areas of a residential property to protect health and safety of residents
- A Landlord cannot restrict access to a tenant's rental unit or suite
- There is some ambiguity given the language of this clause

# The Residential Tenancy Order

## 6. Landlord's Right to Enter Restricted

- Landlord's right to enter unit under RTA section 48 severely restrained
- However, a Landlord can still enter the unit with the tenant's agreement to do so
- Be conscious of risks to health and safety

## Other Changes

- **The Director of the Residential Tenancy Board issued a directive allowing e-mail service for any notices under the *Residential Tenancy Act***
- **Registered mail and in person service are currently prohibited**
- **As always, keep proof or confirmation of service for your records**

## Some Other Important Points to Note

- In person offices of the RTO are closed
- Landlords and Tenants can still file for dispute resolution with the RTB
- RTB dispute resolutions are continuing as scheduled



# Questions?

- Contact the RTB by phone or email:

<https://www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies/contact-the-residential-tenancy-branch>

- A list of FAQs regarding the Emergency Order:

<https://www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies/covid-19>

- Ask a housing lawyer!

# Discussion

QUESTIONS



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