

Update on Residential Tenancy Laws – Ministerial Order M195

After significant efforts by LandlordBC and with the support of our members the Provincial Government has taken steps to address concerns of British Columbia's rental housing providers. On June 24 Ministerial Order 085 was repealed and an updated [Order M195](#) was put in place. As explained in [this announcement](#) from the Provincial Government this marks a significant return to normalcy for the Rental Housing Industry.

Ending A Tenancy

Ending a tenancy is a serious measure to take and one that should not be taken lightly but there are situations where it may be the only option. Landlords often find themselves in situations where ending a tenancy is necessary to allow a close family member to move in or new owners that have sold their previous home and occasionally due to a tenant's behaviour. The ability to take this action was put on hold earlier this year as part of the Province's response to COVID-19. With the recent changes to the legislation, many of the restrictions in place to stop end of tenancy procedures have been lifted. With a few exceptions Landlords may now issue any of the Notices to End Tenancy which include the 10 Day, 1 Month, 2 month, and 4 Month Notices to End Tenancy.

As mentioned, there are exceptions; **landlords may not issue the 10 Day or the 1 Month Notices to End Tenancy to address unpaid or repeatedly late rent or utilities if the missed or late payments occurred during the state of emergency.** There will be more provisions released in the coming weeks to address the issue of unpaid rent during the state of emergency.

Enforcing Orders

As of July 2, 2020 landlords will be able to enforce a previously acquired Order of Possession through the standard provided by the Supreme Court. We encourage landlords, where possible, to communicate with their tenants that may be affected by this to attempt an amicable departure. Further, landlords may also enforce any writ of possession they may have through the use of a court registered bailiff.

Rent Increases

Rent increases are addressed by Ministerial Order M195 and while landlords can service a rent increase, it will not be considered effective during this state of emergency. This means that any rent increase served to be effective from March 30 on is not effective until either this Ministerial Order is rescinded, or the state of emergency is lifted. LandlordBC encourages landlords to avoid serving rent increases in these already uncertain times.

Serving Notice

Another provision repealed with the June 24 Ministerial Order is the prohibition on serving notices in person. While landlords may now serve documents in person, LandlordBC continues to urge caution and limit in person contact to only what is essential. Other valid methods of service include:

- Posting notice on a tenant's door
- Placing notice in a tenant's mailbox
- Mail or registered mail through Canada Post

What about email? Through a Directors Order landlords and tenants were allowed to serve documents via email. This Directors was rescinded on June 24 and with it the ability to use email as an approved method of service. Email, as a method of service is something that LandlordBC has advocated for and it was recommended by the governments Rental Housing Task Force. It will likely return as a permanent fixture to the Residential Tenancy Regulations at a future date.

Notice of Entry

Landlords may now enter a tenant's unit by providing 24 hours notice regardless of whether the tenant agrees. Landlords should continue to operate with an abundance of caution and only enter a tenanted unit if it is absolutely necessary, such as completing repairs or showing the unit to potential tenants. Additionally, landlords are expected to follow the direction of the Provincial Health Officer and wear masks and practice physical distancing. View our best practices guide "Safe Premises: Keeping You and Your Residents Safe" [here](#).

Common Areas

Early in this pandemic many landlords took the responsible step of closing common facilities such as pools, gyms, and games rooms. This was supported with Ministerial Order M089 and this continues with Ministerial Order M195. Landlords that choose to keep these facilities closed during this pandemic are not required to provide compensation to their tenants. Increased cleaning and disinfecting of high touch surfaces such as elevator panels and door handles is still encouraged to reduce the risk of transmission in multi-unit residential buildings.

Closing Comments

While additional details regarding the issue of rent deficits incurred during the COVID-19 period (April, May, June) were not included in the June 24 announcement, LandlordBC continues to engage with the Province on this matter and, as we recently communicated, impending legislative changes are anticipated which will mandate that

tenants and landlords enter into rent repayment agreements for unpaid rent incurred during the COVID-19 period. The repayment plans will run through June 2021. Tenants who refuse to enter a repayment plan agreement or default during the repayment period will be subject to a Notice to End Tenancy and eviction.

Similarly, we continue to engage with the Province on the implementation of rent increases and the timing of such.

We also remind you that the Province has extended the [BC Temporary Rent Supplement \(BC-TRS\)](#) for two additional month through August 2020, so please ensure your tenants are made aware of this important information. The extension of BC-TRS is a very positive outcome for both renters and landlords.

LandlordBC will continue to engage with the Province as our sector returns to an increased state of normalcy, and will keep you informed in a timely and accurate manner, as we always do. In the interim, we continue to encourage you to embrace Dr. Bonnie Henry's advice; be kind, be calm and be safe.