



SUMMER 2023

ISSUE 145

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Evictions

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Power

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The TAPS office is located on the traditional, ancestral, and unceded territory of the ləkʷəŋən People known today as the Songhees and Esquimalt Nations.

A Solution to BC's Epidemic of No-Fault Evictions

EMMA WHITE, TAPS VACANCY CONTROL CAMPAIGNER



IMAGE CREDIT: RED BRAID ALLIANCE VIA THE VOLCANO (REVEAU, CECILE. 'A SURREY TENANTS' FIGHT AGAINST A SLUMLORD' DECEMBER 9 2020)

For the past five years, British Columbia has led the country in the number of household evictions. Now, a new report from the University of British Columbia¹ has revealed that the vast majority of these evictions were at no fault of the tenants.

While many people believe that eviction notices are primarily used to deal with tenants who fail to pay rent or violate their tenancy agreement, in reality a vast majority – around 85% – of evictions in BC between 2016 and 2021 were no-fault evictions, meaning that tenants were evicted for reasons such as renovations or repairs, sale of property, or because the landlord themselves or a family member was planning to move in. A staggering 20% higher than the national average, not only is this statistic shocking, it affirms what many tenants and tenant organizations have been saying for years: BC's lack of rent control in between tenancies, known as **vacancy control**, incentivizes landlords to evict their tenants.

ARTICLE CONTINUES ON NEXT PAGE

THE SOLUTION TO BC'S EPIDEMIC OF NO-FAULT EVICTIONS

At TAPS, we talk to hundreds of tenants facing eviction each year, a large portion of whom are loyal tenants paying below market rates for rent because of within-tenancy rent control. Many of these tenants are being targeted for eviction so that their landlord can re-rent their unit at a higher rate. With the average 2-bedroom unit in Victoria renting for 33% more than occupied units in the same building², many of the one-third of British Columbians who are renters would be priced out of their communities or facing homelessness if forced to move.

What a 33% "turnover rate" looks like:
\$1200/mo rent
plus 33% (+396)
= \$1596/mo

In the short-term, we need to make it more difficult for landlords in BC to evict tenants in bad faith. We did this in 2021, when the Residential Tenancy Branch (RTB) made mandatory for landlords to apply to the RTB for approval when evicting tenants using 4-month eviction notices for renovations and repairs in response to the prevalence of bad-faith renovations. This change prompted a dramatic reduction in the number of 4-month notices being served, so we know it works, but landlords are still sidestepping rent control on a large scale with 2-month evictions for landlord's use.

By making all types of eviction possible only by landlord application, BC could reduce its number of evictions, and help ensure proper oversight and accountability in the eviction process. But if we want to get to the root of the issue, there's a larger legislative fix that would fundamentally change our housing system by removing the financial incentive to evict, and that is vacancy control – the form of rent control that limits the amount a landlord can increase the rent when one tenancy ends and another begins.

TAPS and other groups have been calling for vacancy control for years. We know that the government is alive to it, but they're afraid of how landlords and developers will react. But this is an emergency. The high cost of rental housing is hurting our residents and our communities by making it increasingly difficult for folks to live and work in British Columbia. Vacancy control would help prevent bad faith evictions, increase housing stability for tenants, and stop our already over-inflated rents from going even higher.

We're calling on the Provincial Government to implement vacancy control, and we need your help! Here's how you can join the fight:



VACANCY CONTROL NOW

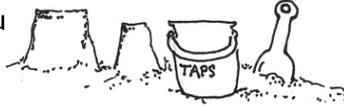
1. Scan this QR code using your device to add your voice to our petition and let your MLA know why BC needs vacancy control
2. Follow us on Instagram and TikTok @tapsbc
3. Share our campaign with a friend!

¹ Estimating no-fault evictions in Canada: Understanding BC'S disproportionate eviction rate in the 2021 Canadian Housing Survey, Silas Xuereb and Craig Jones, University of British Columbia, 2023

² Canada Mortgage and Housing Corporation (CMHC) Rental Market Report 2023

What's New at TAPS?

We hope this newsletter finds you well as we embrace the arrival of summer!



Firstly, it is with mixed emotions that we announce the departure of our incredible legal advocate, Hannah Mang-Wooley. After four remarkable years at TAPS, Hannah will be relocating back to Alberta this summer. Throughout their time with us, Hannah has worn many hats in the organization, serving as a tireless tenant advocate, a passionate campaigner for vacancy control, and a dedicated coordinator for the Volunteer Disability Advocacy Project. We are deeply grateful for their unwavering commitment to economic and social justice, especially during the challenging years of the COVID-19 pandemic. While we will miss Hannah greatly, we extend our heartfelt wishes for success and happiness in their new chapter in Alberta.

On a brighter note, we are thrilled to announce that Hannah's role will be filled by Megan Billings. Megan is no stranger to TAPS, having started as a VDAP volunteer and completed two social work practicums with TAPS in 2017 and 2018. After completing her practicums here, Megan worked as a legal advocate in both our tenancy project and income assistance project for two years before moving outside of Canada in 2020. We are delighted to welcome Megan back to Victoria and back to TAPS as our new VDAP coordinator. With her clinical expertise and exceptional ability to make people feel at ease and safe, Megan is very well suited for this role. We consider ourselves fortunate to have her on our team.

In addition, we are pleased to introduce two new practicum students who will be joining us for the summer semester. Kennedy Guryn, a 3rd-year student from the School of Social Work, has joined the VDAP project. Furthermore, we welcome Steven Hemmerich, also a 3rd-year student from the School of Social Work, who has joined our Income Assistance project. We are very grateful to Kennedy and Steven for their contributions this summer!

We hope that you are able to stay cool and healthy during the upcoming summer months. Thank you for your continued support and participation in our work to create a more just and equitable community.

DOUGLAS KING
EXECUTIVE DIRECTOR

EMILY ROGERS
DIRECTOR OF OPERATIONS

New Staff Spotlight



TAPS
PRACTICUM
STUDENT, BSW

Kennedy (she/her)

Where did you grow up?
London, Ontario

What are you watching right now?
Re-watching The Office

Something that you're proud of?
I just completed a marathon, which is an accomplishment I had been working towards for years!

Best part about your practicum?
Getting to work one-on-one with clients and feeling like I am able to make someone's life just a little bit easier

TAPS VDAP
COORDINATOR

Megan (she/her)



Where did you grow up?
All around Canada

One album that you never get sick of?
Rumours – Fleetwood Mac

What are you watching right now?
Love is Blind, Season 2

Best part about your job?
Working with such an awesome team at TAPS, and knowing that our work is rooted in both systemic advocacy and building trusting relationships with clients



TAPS
PRACTICUM
STUDENT, BSW

Steven (he/him)

Where did you grow up?
Nanaimo, BC

One album you'll never get sick of?
Chuck – Sum41

Something that you're proud of?
Getting through my degree!

Best part about your practicum?
I'm learning a lot and it feels really good to be directly impactful and helpful to someone

To Sign or Not To Sign?

ANTONIA MAH, TAPS TENANT LEGAL ADVOCATE

It may seem like a simple problem, but one of the most common calls we receive from tenants are from those who agreed to sign a document their landlord gave to them and are now worried what kind of legal consequences they might be facing. In Victoria, tenants face a huge power imbalance when dealing with landlords because of how difficult it is for the average renter to find housing within their budget. This can create a lot of anxiety whenever a tenant interacts with their landlord, and again and again folks sign things in the heat of the moment that they later regret.



Nowadays it is common for a landlord to show up unannounced at a tenant's door with a new rental contract in hand, asking their tenant to sign it. However, depending on the kind of tenancy agreement you have, it may not be in your best interest to sign. When you are renting from a landlord and sign a new tenancy agreement for your same rental unit, the new agreement replaces whatever terms were initially agreed to on the previous contract, including your rent rate. Tenancies under the *Residential Tenancy Act (RTA)* either consist of a tenant paying rent indefinitely on a periodic basis until the tenancy is ended by the landlord or tenant (periodic/month-to-month), or are for a set amount of time that is determined at the outset of the tenancy (fixed term). If you are renting on a periodic basis with no fixed end-date to your tenancy, you are under no obligation to enter a new rental agreement with a landlord. The terms of your tenancy agreement would continue until you or the landlord tried to end the tenancy, so you may decline to sign a new rental agreement if you do not want these terms to change. If you are renting a suite with a fixed end-date, you may be getting anxious that the end-date is approaching, but as of 2017 a landlord can only require a tenant to vacate at the end of a fixed term if the landlord or a close family member will be moving into the rental suite. If the landlord is not saying that they or a close family member will be moving in, the tenancy agreement automatically becomes periodic at the end of the fixed term. It is not necessary for a brand new rental agreement to be drafted to convert the tenancy from fixed term to periodic, your same tenancy agreement stands unless you and your landlord sign a new one with new terms.

If signing a new tenancy agreement at the start of a tenancy, we recommend reading through for any terms that you are not expecting, or language that suggests the rental arrangement is not covered by the RTA. There are many kinds of living accommodations that fall outside of the RTA, such as student housing, vacation rentals, emergency shelters, or long-term care facilities. If you see a term that says the contract is not covered by the RTA, you may seek legal advice from an organization like TAPS for assistance assessing what kind of rights you will have.

Another document that is commonly presented to tenants is the **mutual agreement to end tenancy**. This can happen on a Residential Tenancy Branch form, or some other written contract, but it means you and the landlord have agreed that your tenancy will end on a certain date and time. An agreement like this is only legally binding if you and the landlord both consent, so the fact that your landlord is asking for a signature is a good indication that you may have the option to politely decline. Sometimes landlords will suggest a mutual agreement to end the tenancy as an alternative to them serving an eviction notice. In this situation, you may wish to agree to end the tenancy to spare being given an eviction notice, or you may prefer an eviction notice because you can dispute it if you disagree with it and want to try and stay.

With a mutual agreement to end tenancy, or any document for that matter, it is extremely challenging to overturn a document once it is signed, unless you didn't have capacity to make decisions for yourself in the moment, were the victim of fraud, or signed under duress. To meet the requirement for duress you would need to be under a threat of some kind, and simply being afraid of losing your housing generally does not amount to duress.

The rule of thumb? Read it over, multiple times if necessary, and don't feel like you need to sign on the spot. It's okay to say that you need to sleep on it or seek legal advice. Better to be cautious and ask questions than find surprises in a document that is already signed.

If you're a Greater Victoria tenant in need of legal advice about a document your landlord is asking you to sign, call TAPS at 250-361-3521

'RidgeView Place' Evictions Reflect an Imbalance of Power

EMILY ROGERS AND DOUGLAS KING
TAPS DIRECTOR OF OPERATIONS AND TAPS EXECUTIVE DIRECTOR

The recent eviction of tenants from RidgeView Place, the 90-unit high-rise in downtown Langford, has exposed huge deficiencies in our tenancy laws.

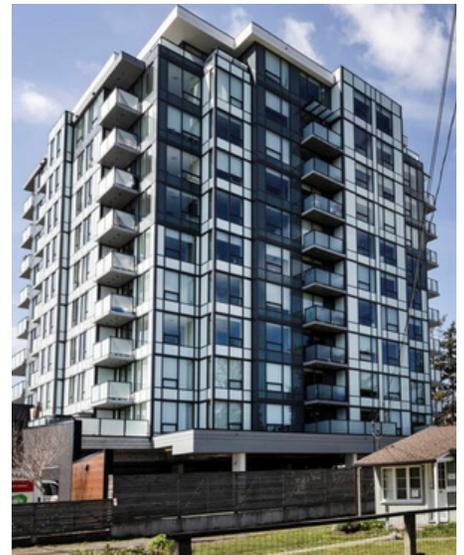
On April 24, building owner Centurion Apartment Properties Inc. sent each resident a letter ending their tenancies immediately by claiming frustration of contract due to "serious concerns with certain structural elements of the building."

While Centurion has used words like "evacuate" and "vacate," we must make no mistake of what they are really trying to do, which is to permanently evict these tenants from the building.

In doing so they seek to wash their hands clean of their obligations under the Residential Tenancy Act, and to the tenants they have signed leases with. So far, the government has been powerless to stop them.

"Frustration" is a legal concept meaning that an unforeseeable event has made it impossible for the contract to continue. When a tenancy is rightfully frustrated, the landlord is released of all liabilities to the previous tenants and there is no requirement to provide the tenants with support or compensation.

The economic incentive for landlords to declare a tenancy frustrated instead of ending the tenancy a different way is two-fold: supporting tenants is costly, and ending tenancies allows landlords to re-rent the units at a much higher rent when they are safe for re-occupation.



PICTURED: RIDGEVIEW PLACE

While the Residential Tenancy Branch says a contract should only be frustrated when that unexpected event "is beyond anyone's reasonable control," there is virtually nothing preventing a landlord in a situation like this from simply declaring a tenancy as frustrated.

Technically, tenants can try to challenge that decision through the branch, but expecting suddenly-homeless tenants to apply for dispute resolution a time like this is unreasonable. Tenants are preoccupied with finding somewhere for their family to sleep and figuring out how to meet their basic needs for the coming weeks and months.

Instead of allowing landlords to unilaterally declare the end of 90 tenancies in the blink of an eye, a better system would be for the branch to work proactively with local governments, landlords, and tenants to determine whether these tenancies are frustrated, or if they can continue after remediation work is complete. After all, the province just spent the better part of the past two years changing our laws to prevent a landlord from being able to renovict a tenant without first getting approval from the branch, so why would we allow it here?

Requiring a landlord to apply to the branch in order to frustrate the tenancies and having an official determination from an independent party would provide both tenants and landlords with certainty regarding the legal status of their homes, removing the burden of responsibility from tenants who have much more pressing survival needs.

If it is found that Centurion was somehow negligent in upholding their responsibilities to ensure building safety, they must compensate tenants for losses and suffering, and they should be responsible for reimbursing the money the provincial government has had to allocate to support the tenants they have left behind.

Centurion stated in its 2021 annual report that it is buying newer apartment buildings in Western Canada because these “newer and modern properties generate higher rents, attract stronger residents, require much less ongoing maintenance and capital spending, and serve to further strengthen and diversify our overall portfolio.”

It's safe to say that this did not go according to plan with RidgeView Place.

We know from the annual report that they are an extremely profitable Real Estate Investment Trust. According to the report, “total assets of the Trust increased 24.2 per cent from \$3.3 billion as at December 31, 2020 to \$4.1 billion as at December 31, 2021” and their net operating income increased to \$107.8 million in 2021. In this context, the \$1,000 originally offered to tenants should be placed within the extreme power differential between the parties.

Centurion's only reason for existence is to generate profits for its stakeholders, whereas tenants are renting in order to meet a basic need. When something goes wrong and tenants are made homeless overnight, with a landlord being allowed to walk away without consequence, it is our community that suffers.

This article was published as an op-ed in the May 1, 2023 edition of the Times Colonist.



Taproot welcomes articles, stories, and poetry from readers.

Submit your writing by email to community@tapsbc.ca,
by mail to 828 View St. Victoria BC, V8W 1K2,
or by dropping off your submission in person!

About TAPS

Together Against Poverty Society (TAPS) is the largest anti-poverty organization on Vancouver Island. Established in 1989, TAPS is a recognized leader and resource for citizens, community groups, and social agencies attempting to reduce poverty, serving over 7,000 residents of Greater Victoria, adjacent municipalities, and the Southern Gulf Islands each year... and we still cannot meet the needs of all who approach us.

At TAPS, we believe that the causes of poverty are in the social, economic and political institutions of our society – not the failings of the individual. Through legal advocacy and public education, we have a positive impact on people’s lives in ways that honour and promote human rights, justice, and a healthy, sustainable community. TAPS is a non-profit society whose membership is open to individuals or groups concerned with the preservation of civil society, social justice, the eradication of poverty, as well as the continuing moral progress of those ideals.



become a DONOR

The simplest way to support TAPS with a financial donation is online at: www.tapsbc.ca/donate

Want your contribution to go farther? Consider becoming a **monthly donor!**

Physical donations can be mailed to or dropped off at:
828 View St.

Victoria BC, V8W 1K2

If you'd like a charitable tax receipt, be sure to include your name, contact information, and mailing address!

become a MEMBER

Please consider becoming a member of our organization to support the important work we do in the fight against poverty.

TAPS members can vote at our AGM and receive updates on our work throughout the year. There is no cost to membership.

To fill out a membership form, visit: www.tapsbc.ca/taps-membership or swing by our office!

OUR FUNDERS:



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