

One-Month Eviction Notices for Cause

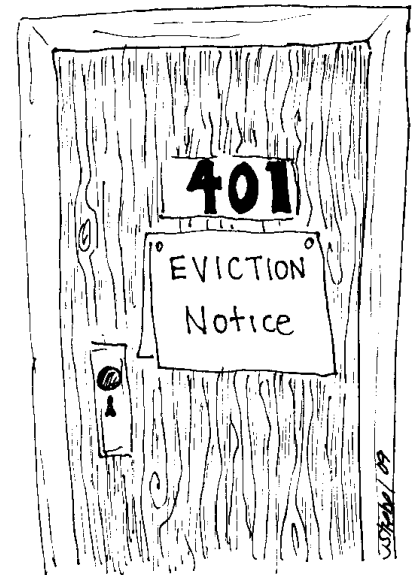
By John Cooke,
Tenant Advocate

In the last issue of the Taproot, we discussed 10-day eviction notices for non-payment of rent. This article will focus on Eviction Notices for Cause.

Under Section 47 of the *Residential Tenancy Act*, a landlord can issue a tenant with a one-month

Notice to End Residential Tenancy for Cause if one or more of the following has taken place:

- The tenant hasn't paid the Security Deposit or Pet Deposit within 30 days of commencing the rental agreement.
- There are an unreasonable number of people living in the rental unit (other than those permitted by the tenancy agreement).
- The tenant or a person permitted on the rental property by the tenant has "significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property." An example of this is ongoing and excessive noise caused by a tenant or their guests that would significantly interfere with another tenant's right of quiet enjoyment.
- The tenant or a person permitted on the rental property by the tenant has "seriously jeopardized the health or safety



or a lawful right or interest of the landlord or another occupant." From a common sense perspective, this would include drug trafficking or illicit drug manufacture.

- The tenant or a person permitted on the rental property by the tenant has "put the landlord's property at risk." Again, an

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Now Is the Time to End Poverty in Canada

By Karri Munn-Venn and Rob Rainer, *Dignity For All Campaign*
Millions of Canadians aspire to a life free from poverty—the hungry, the homeless and the disenfranchised; the working poor, the unemployed and the socially assisted; the Aboriginal, the immigrant and the person of colour; the person with disability, the parent and the pensioner.

In support of these aspirations, Canada Without Poverty and Citizens for Public Justice are mobilizing the multi-year, multi-partner, non-partisan campaign, *Dignity for All: The Campaign for a Poverty-Free Canada*.

Building on the tremendous work that has been done to address poverty in communities across Canada, and spurred on by the momentum that has been building at the provincial level, *Dignity for All* envisions a poverty-free and more socially secure and cohesive Canada by 2020.

The conviction behind this campaign is that Canadians must respect and defend the right of every person to live with dignity and free from poverty.

Everyone has a role to play in building a poverty-free and more socially secure Canada—governments at all levels, businesses of all sizes and types, community and other civil society organizations, and individuals. The federal government, with its particular policymaking, legislative, taxation and redistributive powers, has an especially critical role.

Dignity for All: The Campaign for a Poverty-Free Canada is therefore aimed primarily to achieve federal action. The campaign has three goals:

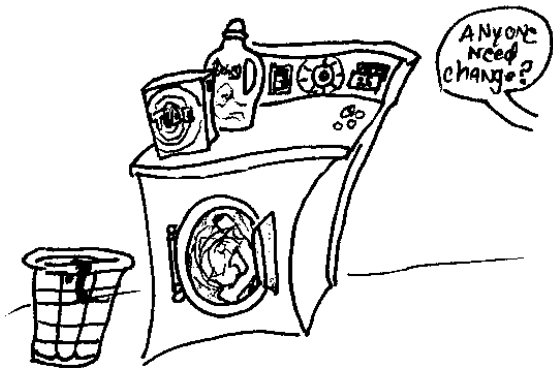
1. A comprehensive, integrated federal plan for poverty elimination. Linked to and in support of current and future provincial and territorial poverty action plans, a federal plan for poverty elimination will provide a pan-Canadian blueprint for reducing and eventually eliminating poverty. The plan will inspire other efforts to combat poverty and to promote a fair and just society. It will require transparency and accountability by the federal government, with inclusion of robust indicators of low income, material deprivation and

Persons With Disabilities

TAPS has advocates who can help you apply for Person With Disability status (PWD) through the Ministry of Housing and Social Development. TAPS can also help you with an appeal if you have applied and been denied. Call TAPS at 250-361-3521 for more information. If you are at the appeal stage, be sure to get in touch with us as soon as possible after receiving your letter of denial and tell the receptionist you are calling about a disability appeal.

2. A federal Act to eliminate poverty, promote social inclusion and strengthen social security. Inspired by similar legislation in other jurisdictions, this Act will ensure an ongoing federal role and responsibility for social development, while demonstrating a lasting federal commitment for action and for accountability to citizens for results.
3. Sufficient federal revenue to invest in social security. In order to fulfill its role and responsibility to ensure social security, generally, and to combat poverty, specifically, the federal government must have sufficient revenue, or “fiscal

(See *End Poverty*, page 5)



poverty is a cycle

AND LIKE LAUNDRY, IT COSTS
TO DO A LOAD, IF THE MONEY
RUNS OUT WE WILL NEVER GET THROUGH
IT ALL

Interested in Becoming a TAPS Board Member? We Want to Hear from You!

TAPS is looking for people who are interested in joining our board. We would like you to consider volunteering on the TAPS Board or suggesting others who could make a valuable contribution on it.

TAPS provides specific advice to those who have income assistance and tenancy issues, and advocates for poverty reduction through education and social action. TAPS believes that the causes of poverty are in the social, economic, and political institutions and decisions of our society—not the “failings” of the individual. We believe that concerned people of all backgrounds must work together to address the fundamental causes of poverty.

The Board provides leadership to the organization. A prospective board member must be a current member of TAPS, or willing to become a member.

TAPS is looking for individuals who are committed to social justice and advancing issues related to

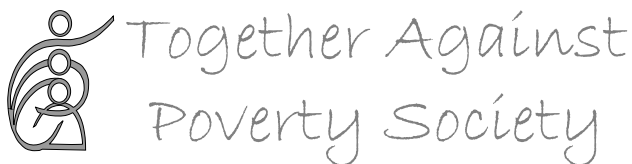
poverty. At this time, we are seeking individuals with direct experience living in poverty and who have a passion for participating in social activism and promoting social justice issues in our community. We also welcome applicants with skills in the areas of social work, fundraising, communications, and promotions.

This is an active volunteer commitment that includes a monthly meeting as well as participation on various committees that require time outside of the board meetings.

If you or anyone you know is interested, please put in writing why you are interested and send it to us by mail, fax, or email, or drop it off by October 1st, 2009 to:

Lorraine Bates
Together Against Poverty Society
302 - 895 Fort Street
Victoria, BC V8W 1H7

Email: legaladvocate@tapsbc.ca
Fax: 250-361-3541



Together Against Poverty Society



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Bob Nobuks— A Lucky Man

By G.R. Tomblin

It was a dark and drizzly morning in July that should have been a beautiful summer's day, a morning that started with Bob Nobuks—nothing to do with the weather—feeling sunk in a dark depression.

Poor Bob! There he was at 5:52 a.m. making coffee—no-name instant, of course—in his little pan on his little one-burner hotplate in his crappy room in the crappy rooming house.

Unfair! Gigantic forces—the stock market, the banks, the government—things he neither understood nor could control seemed to rule his life, whether he liked it or not.

Cursing the gods of every religion he could think of, Bob

Nobuks pulled on his crap work pants and crap work shirt with the company logo on it: a cartoon janitor merrily wielding a broom and dustpan, a big crap-eating grin splitting his face—the village idiot who had quaffed a tankard too many.

And now, it was out into the shades of gray of the drizzly morning and onwards into the fields of fire—or rather the fields of crap, crap and more crap. Bob just hoped his feet wouldn't start hurting too soon.

Traffic thickened. Horrible, melted-looking faces stared out the drizzle-streaked windows of buses grinding by. Car drivers yakking on cellphones barely slid to a halt in time at red lights. A youngish man walking a bulldog with a disproportionately large head was

oblivious—plugged into his ipod—as the dog suddenly snarled and lunged at a passing oldish woman pushing a shopping cart packed with all her worldly possessions—she screamed and hid behind a mailbox.

Bob arrived at his place of work (Hell, as he thought of it). The usual crap was everywhere: plastic shopping bags, food cartons and candy

TAPS' Volunteer Advocacy Program

TAPS is looking for volunteers to help clients apply for disability benefits through the Ministry of Housing and Social Development. Volunteer advocates also help clients with appeals. This is an opportunity to develop legal advocacy skills and knowledge and to provide tangible, sustained support and assistance to people with disabilities. If you are interested in volunteering at TAPS as a volunteer advocate please contact Katie at 250-361-3521 or at vdap@tapsbc.ca.

wrappers, pizza boxes, and the ever ubiquitous cigarette butts. And the flying rats—crows—had done their usual best to crap up the place. Pecked-to-pieces styrofoam cartons everywhere. He keyed open the door to the janitor's closet, got his broom and dustpan, and began his daily routine.

Crap Trek! His three-hour mission: To sweep up new crap, new garbage...to boldly sweep where no man has swept before!

As Bob Nobuks swept up the crap in front of the Monster Mart store, he began to notice little things. He often swept up in the corners. Helped the place look tidy. As he dug into one particular corner with the broom, he noticed a spider web—and as a matter of course destroyed it.

Then for some reason he thought: *I have just caused a cataclysm in the life of a spider.* Gigantic forces beyond its understanding and control—in the form of Bob—had just rendered all its efforts futile. He

(See *Lucky*, page 5)



(From *Lucky*, page 4)

imagined the irate arachnid, scrunched in a crevice in the brickwork, glaring at him hatefully with all eight of its eyes. *Oh, the little bugger'll have another web built before my shift is over.*

And when Bob's shift was over, as he walked away, distancing himself from that hated place, he saw something that made him think he was not so unlucky after all.

A young, rough-looking fellow was riding a bicycle down the street towards the bottle depot. The two garbage bags bulging with bottles and cans that he was trying to balance while steering the bike were plainly giving him trouble.

The inevitable happened. The bike fell over, dumping its rider on his back. And the bottles and cans went clattering and rolling all over the street.

At that moment along came a sleek silvery car with windows you can't see through. The driver—apparently in a big hurry—blared the horn and screeched around this annoying obstruction, crushing the bike's front wheel before blasting away.

Cursing and spitting like a madman, doing his frantic damndest to gather up all the spilled bottles and



Together Against
Poverty Society

Taxes

TAPS is offering tax prep services to people on low incomes. No appointments. Drop-in only. Call the office at 250-361-3521 for days and times.

cans, the unsaddled cyclist finally managed to get most of them stuffed back into the garbage bags. But now he had to complete his journey on foot, leaving his killed bike lying in the gutter.

Bob walked on home.

And I thought my life was crap?

Green lentils, here I come... ■

(From *End Poverty*, page 2)

capacity.” *The Dignity for All Campaign* will promote public understanding of the link between the taxes Canadians pay and the supports and services we benefit from as a result. The campaign will also advance policy proposals for sufficient and fair taxation.

Canada Without Poverty and Citizens for Public Justice believe that the best way to move towards federal action on poverty, equality and social security is for many partners to work together, mobilizing the support and engagement of organizations, communities of interest and individuals across the country. We are building a network of support for Dignity for All with the involvement of faith, social justice, labour, and human rights organizations representing hundreds of thousands of people from across Canada. We want everyone to be a part of it. We welcome individuals, local community groups, and provincial and national organizations to join us in working together to create change.

Find out more about this campaign at www.dignityforall.ca or at the Canada Without Poverty (formerly National Anti-Poverty Organization) website: www.cwp-csp.ca.

Write for the Taproot

Taproot welcomes articles from readers. Share your ideas, experiences, opinions or outrage with Taproot's vast readership. Articles should be 600 words or less. Please include your name and a way we can reach you (phone, e-mail, or mailing address). The next submission deadline is September 15th, 2009. Send submissions to TAPS (Attn: Heidi) at #302 - 895 Fort Street, Victoria, BC, V8W 1H7, or by e-mail to volunteers@tapsbc.ca.

(From *Eviction*, page 1)

example of this would be illicit drug manufacture. Another example might be the tenant causing extraordinary damage to the rental suite or other common areas of the building and then refusing to repair it.

- The tenant or a person permitted on the rental property has engaged in illegal activity. “Illegal activity” would include any serious violation of federal, provincial or municipal law, whether or not it is an offense under the Criminal Code of Canada. “Illegal activity” as defined for the purposes of this article may include an act prohibited by any statute or bylaw which is serious enough to have a harmful impact on the landlord, the landlord’s property, or other occupants of the residential property.
- The tenant has failed to comply

(See *Eviction*, page 6)

Wark Street Commons— A Garden Oasis

By Geneva Hagen

The community garden at Wark Street and Kings Road must be already familiar to most of the 10,000 plus people who live in the Hillside-Quadra and North Park area. It has been almost two years since the Wark Street Commons was launched in September 2006, with the support of the Blanshard Community Centre. Almost 200 volunteers showed up to create the garden, while children entertained themselves at the playground next to it. Fortunately, maintaining the garden will not be so labour-intensive! Nine people attended July's work party and set out 88 plants.

The garden has a spectacular bounty of leafy green vegetables and cabbage-family plants like broccoli and kale. There are also herbs, squash, tomatoes, peas, and a "spud tower." Some of the items—such as amaranth, lemonbalm and collard greens—can be hard to find in supermarkets. Everything is free for the picking to anyone who wants to take home some fresh organic produce.

This summer finds the sea of greenery punctuated by colourful flowers—some of them edible, such as nasturtiums, marigolds and borage—as well as some birds, bees and butterflies. Visitors can rest in the shade of a tree, or under an arbour facing the corner. The arbour was built by the Garden Group last year, and plans are underway to decorate the planter boxes beside it with a mosaic tile design.

With food sufficiency on Vancouver Island a growing concern, the Wark Street Commons serves as a model urban farming project. If

only we could have something like this on every block!

The next Hillside-Quadra Gardens Group meeting will take place in the great outdoors at Wark Street Commons on Thursday, August 13, at 7:00 p.m. Bring your camping chairs and sunglasses!

For more information, send an email to uharvest@blanshardcc.com.



(From *Eviction*, page 5)

with a material term of the tenancy agreement and has failed to correct that breach within a reasonable time frame after the landlord has given written notice to do so.

- The tenant purports to assign or sublet the rental unit without first obtaining the landlord's permission by way of written consent.

The above are just some of the reasons why a tenant might receive a one-month eviction notice.

Repeated Late Payment of Rent

Under the current legislation, a landlord can issue a tenant with a one-month Notice for Cause for repeated late payment of rent.

If, for example, you as a tenant were late in paying rent for three consecutive months out of the last six, you may find yourself on the receiving end of a Notice to End Residential Tenancy for repeated late payment. If you disagree with the landlord's position, however, you do have the right of dispute.

Three late payments are the minimum number sufficient to justify a Notice under the provisions of the *Residential Tenancy Act*. It doesn't matter whether the late payments were consecutive or whether one or more rent payments were made on time between the late payments.

It should be noted, however, that a landlord who fails to act in a timely manner on this particular issue may be determined by a Dispute Resolution Officer (DRO) at hearing to have waived any reliance on this provision.

In exceptional circumstances, for example where an unforeseeable bank error may have caused the late payment, the reason for the lateness may be considered by a DRO in determining whether a tenant is at fault.

Form and Content of Notice

A legal eviction notice must be issued on a government form called a Notice to End Residential Tenancy.

The form must clearly include:

- the name(s) of the tenant(s);
- the dispute address (that is, the tenant's address); and
- the landlord's name and business or service address.

The Notice must also clearly set out the tenant(s) right of dispute.

A landlord can give a Notice to End Residential Tenancy to a tenant in one of the following ways:

- by hand-delivering the Notice, meaning the landlord gives it to you in person, or gives it to a

(See *Eviction*, page 7)

(From Eviction, page 5)

person (19 years and older) who appears to be residing with you (including non-tenants or guests);

- by posting the Notice itself to your apartment door, by leaving it in your mail slot or by sending it to a fax number you may have previously given to the landlord (by this method, you as the tenant are deemed to have received it not later than 72 hours from the date of posting);
- by registered mail, in which case you are deemed to have received the Notice not later than 5 days from the date sent.

A Caution: Notices to End Residential Tenancy are legal documents and should not be ignored.

Right of Dispute

If you receive a one-month Notice for Cause, you can dispute the Notice by making an Application for Dispute Resolution at the Residential Tenancy Branch.

You have 10 calendar days from the day you receive the Notice in which to dispute, unless there are exceptional circumstances that

prevent you from doing so, for example, you are hospitalized when you receive the Notice and continuously throughout the 10-day time frame for dispute.

If you elect not to dispute the notice within the required time frame, you are deemed in law to have conclusively accepted it and the tenancy will come to an end on the effective date indicated on the Notice.

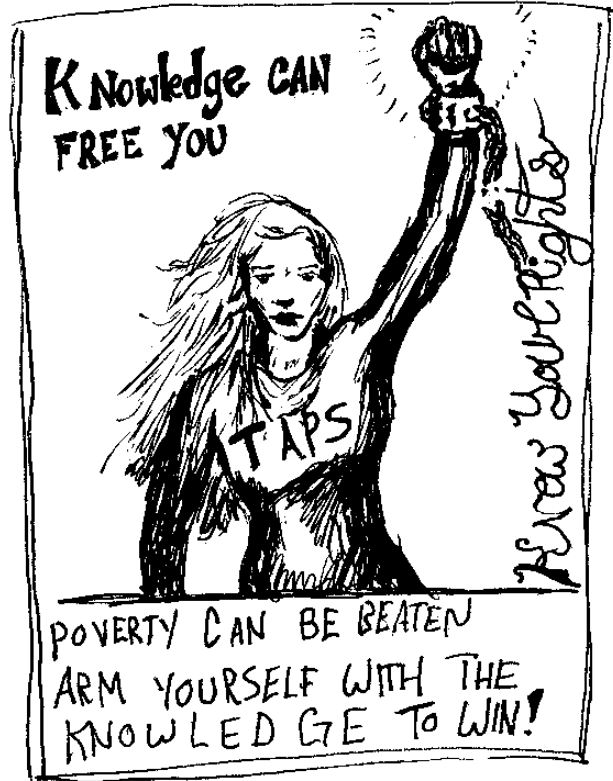
Caution: As mentioned, there are very few exceptions to this rule, but if you find yourself applying for dispute resolution outside of the 10-day requirement, be sure to check the box on the Application marked "allow a tenant more time to make an application to cancel a Notice to End Tenancy." A DRO will hear your reasons for filing the application late and determine the merits of your argument on that issue at hearing.

One Month's Notice

A one-month Notice to End Residential Tenancy for Cause means just that: one full month. For example, if your rental agreement commenced on the first calendar day of the month, the landlord issuing the one-month Notice would have to issue it to you on or before the last day of the month to make it one full month's notice.

To better illustrate: Your landlord hand-delivers a Notice for Cause to you on July 31, 2009. The end of tenancy date should then read August 31, 2009.

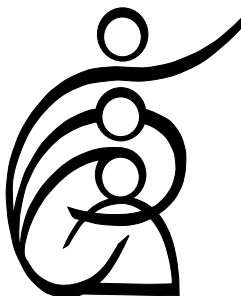
But if your landlord hand delivers a one-month Notice to you dated



August 1 or any date thereafter and with an end of tenancy date indicated as August 31, this would then be considered short notice. This Notice would be deficient and self-correct to September 30, 2009, in order for it to conform to the requirements of a proper one-month Notice.

If you receive a one-month eviction notice contact the Residential Tenancy Branch (First Floor, 1019 Wharf Street, Victoria, BC; office hours: Monday to Friday, 8:30 a.m. to 4:30 p.m.). Or call or drop by the TAPS office (telephone: 250-361-3521; address: #302 – 895 Fort Street) and leave a message for John or Thea.

The Residential Tenancy Act is available through the public library (ask a librarian) and on-line at the provincial government website. Copies of Section 47 of the Residential Tenancy Act, relating to one-month eviction notices, are available at the TAPS office. ■



Together Against Poverty Society

TAPS was established and registered as a society in 1989 and serves the Greater Victoria area. We provide legal information and representation on issues relating to income assistance, employment insurance, and residential tenancy. We also provide public education in these areas and on broader poverty issues.

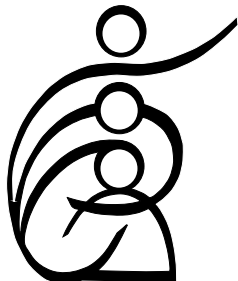
You can reach us between 9:30 a.m. and 4:30 p.m, Monday to Friday, by phone at 250-361-3521, or in person at #302 - 895 Fort Street.

Volunteer at TAPS

Front Desk Receptionist

TAPS is looking for a few people to volunteer on our busy front desk. Volunteers must be non-judgmental, able to work in a high-pressure environment, and have good written and oral communication skills. An interest in anti-poverty work is an asset. One half-day shift per week. No experience necessary. Training is provided.

Call TAPS at 250-361-3521, contact us by e-mail at volunteers@tapsbc.ca, or drop by the office at #302 - 895 Fort Street.



Together Against Poverty Society

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Victoria, BC

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We also appreciate the support that our members give.

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\$5.00 unwaged (may be waived)

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Donations are appreciated.

Charitable tax receipts provided.

Taproot is mailed to members.

TAPS mugs for sale

White coffee mugs with the TAPS crest on one side and a quote from Mary Wollstonecraft on the other: "It is justice, not charity, that is wanting in the world. (1792)" \$9, or two for \$15.