



# Ten-Day Eviction Notices

## What You Need to Know

By John Cooke,  
Tenant Advocate

It is your responsibility as a tenant to pay your rent in full on the date the rent is due. You would normally pay rent on the first day of each calendar month in a manner prescribed in the tenancy agreement itself. You are also responsible for paying your

utilities by the date due.

If for whatever reason you are unable to meet this obligation or if you attempt to withhold rent without first having obtained an Order from the Residential Tenancy Branch allowing you to do so, your landlord has the legal right under the *Residential Tenancy Act* to issue you with a Notice to End the Residential Tenancy for non-payment of rent.

If your rent is due on the first day of the month and you are unable to pay, your landlord can issue you with a Notice to End Residential Tenancy on the second calendar day of the month. The landlord cannot legally issue you with a Notice to End Residential Tenancy for non-payment of rent on the day the rent is due.

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),
- the landlord's name and business or service address,
- the amounts alleged to be owing by the tenant(s), and
- the month or months for which the tenant(s) may be in default.

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

If you receive an eviction notice for non-payment of rent handwritten on a slip of paper or on the landlord's letterhead, and this notice does not include all the information listed above, it can, generally speaking, be ignored. However, it is advisable that you talk with an information officer at the Residential Tenancy Branch (RTB) or a tenant advocate as soon as possible if you receive

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# My Worth

By L.N. Brown

I'm tired of trying to live for another, trying to live within their norm.

I am somebody special although depressed and worn.

I want to be your and society's idea of success,  
But every time I try I become worried, overwhelmed and depressed.

I suffer the stigma of mental illness, and illness not willing to be seen.

I have wished it and willed it away and prayed it only a dream.

My "norm" has had to evolve, for I have felt less a person way too long,  
Standing beside the "working for

profit" identity and always feeling wrong.

I have succumbed to sadness and dark depressions, living the pressure of your "expected ideal." I can't ignore the darkness and the stress that consumes me; it dictates what I feel.

I am doing what I can, I am doing what I must in the moment for me and for mine.

Maybe I will be more productive according to your ideals in another place and time.

But for now I am living and it is hard just taking care of me. I do give back, I have no problem lending a helping hand that is free.

I take care of the family home, take care of my mom and my children, too.  
They are lucky that their mother is at home because for them there is much I can do.

I am tired of being devalued and feeling like I am unproductive and unworthy of respect. I am none of those things so I ask you, is my importance irrelevant? Am I someone you will forget?

## 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.

I give an open ear to those who need to be heard.

I facilitate concerns and justify their hurt.

I volunteer helping those less fortunate than me. Some who are so far gone they will never be set free.

My work, although very important to some, has no monetary gain,  
But I do it because it's right and it's just, and I do not complain.

I do what I can for life and community and for my fellow man—  
It may not be much, but I do what I can.



# Where Were You on Voting Day?

I voted on May 12, 2009. It was a bit lonely at the polling station as only 48 per cent of eligible voters in BC voted. This was the lowest voter turnout ever in BC.

Voter turnout in the provincial elections has been steadily decreasing over the last few elections. This is a very scary trend. By the year 2013 so few people will be voting that we might as well call our democracy a total failure.

The vote on May 12 resulted in both the Liberals and New Democrats in almost the same position as the election in 2005. This means more of the same for four more years.

I don't want more of the same. Let us work together to encourage the Liberals to leave a legacy far more important than the Olympic Games. We want action on poverty, including child poverty. We want action on mental health issues and we want the



government to build supportive, affordable housing.

A final note: Voting does make a difference. For example, if the NDP had been elected, the minimum wage would be raised to \$10 an hour. To people earning a minimum wage, the increase would have made a significant difference.

*Joan McHardy  
President*

*(From Evictions, page 1)*  
such a notice.

If your landlord serves you with an eviction notice that is not on the proper government form but which does nonetheless contain all the required information, it should never be ignored or avoided. Again, go to the RTB or talk with an advocate.

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

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

- gives it to a person (19 years or 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

*(See Evictions, page 5)*

Together Against Poverty Society

# TAPROOT

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Taproot is published bi-monthly by  
Together Against Poverty Society.

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# A Bob Nobuks Vacation

By G.R. Tomblin

Bob Nobuks slept in till 7:30 a.m. that morning. He could do that—because it was a holiday!

All right! The first day in a long, long time when he didn't have to drag his tired butt out of bed at 6 a.m. and go to work.

What to do with all this incredible free time?

He had no money to go anywhere...

He went through the same get-up-in-the-morning procedure he always did: got dressed in the same raggedy clothes, washed his face and hands in the same tiny sink in the corner using a tiny sliver of soap; turned on the 13-inch TV to the weather channel to review the same weather reports he'd seen the night before.

His tiny room lay in the same

clutter as always: books and papers stacked up and scattered all over the place. Pungent socks and underwear stuffed into a green plastic garbage bag he'd "borrowed" from work, all intended for the coin laundry but somehow never arriving there. And of course, beer cans carefully columned in the corner by the door. Hm! Have to do something about that—one of these days.

As he sipped his instant coffee—sweetened from found sugar packets scattered around the parking lot at Monster Mart—Bob looked out the window of his fourth-floor room. In the bus shelter across the street was a huge, hairy and noisily vomiting man. The three other people at the stop understandably stood well away from the shelter, and with

## 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](mailto:vdap@tapsbc.ca).

pained expressions kept peering hopefully up the street for the bus to hurry up and take them the hell away from there.

Bob shook his head, turned away from the window and sat down on his saggy little bed with his coffee, picked up the TV remote and began the ritual of trying to find something worth watching. Infomercials galore! Bob learned all about how he could lose weight fast, grow new hair fast, have a body like a Greek god fast, even increase the size of his penis fast—while at the same time earning thousands of dollars without having to work for it—fast, of course.

Ah, but there was always the Space Channel, the History Channel, and of course the Turner Classic Movie Channel. Bob

*(See Vacation, page 5)*



(From *Vacation*, page 4)

flipped to them...

The Space Channel had “Spock’s Brain”—the dumbest of all Star Trek episodes.

The History Channel had *The Godfather*—a great movie, but how many times had Bob seen it? Thirty? Forty, maybe! How many times do you have to see that guy waking up in bed with the horse’s head, screaming?

And the Turner Classic Movie Channel had—guess what? *The Godfather!*

Bob switched off the TV reluctantly—he was an admitted TV addict—and turned to his books.

Now, let’s see...

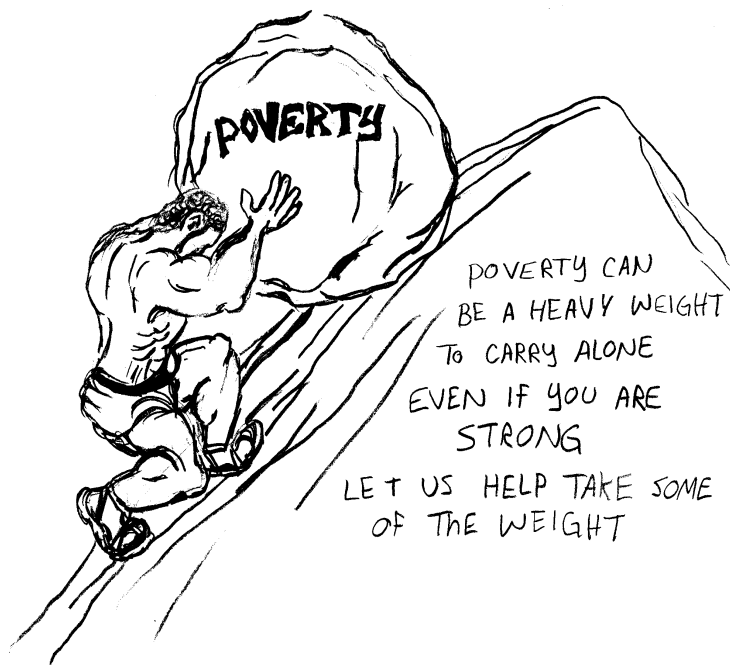
Ah! Here we are—Jules Verne: *Twenty Thousand Leagues Under The Sea*. The story of a mad scientist who invents a submarine called the Nautilus and cruises around sinking warships.

And so Bob Nobuks embarked on a voyage around the world beneath the waves. For the price a second-hand book he was carried far away from the ugly realities of his crappy job. He even had a little bag of roasted green lentils to munch on.

The ultimate no-frills vacation.

## 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.



(From *Evictions*, page 3)

case you are deemed to have received the Notice not later than 5 days from the date sent. Notices for non-payment are 10-day notices. If your rent is due on the first day of the month and you receive a Notice for non-payment on the second, the end of tenancy date should be clearly indicated on the form as the 12th day of the month.

These notices for non-payment are also known as “5 and 5” notices. What this means is, you have five calendar days from the day you receive the Notice to either pay the rent or negotiate a payment schedule with your landlord.

If you do pay the rent within the time prescribed, the Notice is rescinded and is of no force or effect.

However, if by the end of the

five days from the day you received the Notice you have not paid the rent, and should your attempts to negotiate with your landlord fail, and if you have not disputed the Notice, you are then deemed in law to have conclusively accepted the Notice and the tenancy will come to an end. The second five days are considered to be a move out period. Thus, “5 and 5.”

If you are still residing in the dispute premises at the end of the 10-day window, the landlord can make an application to the Residential Tenancy Branch requesting an Order of Possession for the dispute premises. An Order from the RTB effectively gives the landlord lawful possession of the suite and thus allows him or her to move toward re-taking it. In other words, the

(See *Evictions*, page 7)

# Food Banks and Welfare Policy

*The following is adapted from the Summary of the report Understanding the Link Between Welfare Policy and the Use of Food Banks, by Michael Goldberg and David A. Green. The study, released in April 2009, is part of the Economic Security Project, a major research initiative of the Canadian Centre for Policy Alternatives' BC Office and Simon Fraser University. Copies of the full report are available from the Canadian Centre for Policy Alternatives at [www.policyalternatives.ca](http://www.policyalternatives.ca). A copy is also available to read at the TAPS office.*

The use of food banks by Canadian families remains at shockingly high levels, with over 700,000 Canadians accessing food banks in March 2008. While this is a lower level than at the peak in 2004, it reflects the fact that food bank use has remained stubbornly high, even in the face of some of the best economic times Canada has witnessed in decades.

*Understanding the Link Between Welfare Policy and the Use of Food Banks* attempts to provide a better understanding of who uses food banks in Canada and of how food bank use relates to changes in government welfare policy. Data collected by Food Banks Canada show that food bank use increased dramatically from just over 700,000 Canadians

using food banks during March 1998 to over 840,000 in March 2004. This increase occurred in spite of increases in employment rates and average wages and decreases in the number of welfare recipients over this period. Since then, the numbers using food banks have declined to levels near those in the late 1990s but this indicates that the prolonged economic boom simply by-passed a substantial number of the least well-off in our society. Now that the boom appears to be over, the number of persons using the food banks will almost certainly swell.

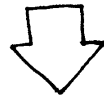
Working with data from food banks combined with data on numbers of welfare recipients, welfare benefit rates, housing rental costs, and employment rates, the study undertook economic analyses that establish a number of findings about what drives trends in food bank use.

- Cuts to welfare systems in the mid to late 1990s resulted in substantial increases in food bank use. A 10 per cent cut in the welfare caseload is associated with a 4.2 per cent increase in food bank use, suggesting that claims that reducing welfare “dependency” would ultimately benefit potential welfare recipients are certainly not true for some set of disadvantaged Canadians. Similarly, large reductions in the amount of welfare benefits had substantial impacts on food bank use. The authors estimate that the equivalent of a 10 percent cut in benefits would result a 14 per cent increase in food bank use.
- Improvements in employment rates reduce food bank use, though their effects are not as large as those from cutting access to welfare. It is the combination of these

*(See Food Banks, page 7)*

FOOD  
BANK

LINE  
UP  
HERE

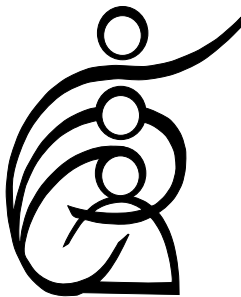


(From **Food Banks**, page 6)

relatively small employment rate effects with substantial cuts to welfare systems that explain why food bank use continued to rise in the late 1990s and early 2000's, even though the economy was improving.

Put together, these findings imply that as we move into a recession and more Canadians have need of a welfare system that has been drastically reduced, we should expect dramatic increases in food bank use and the food insecurity it reflects.

The study makes several recommendations, including increasing and indexing income assistance rates, establishing an appropriate minimum wage, increasing the Child Tax Benefit, and addressing housing affordability. Implementing the recommendations will help ensure that all residents have a right to adequate and appropriate food. Only then can Canada and the provinces say that they are actively living up to their international obligations. ■



(From **Evictions**, page 5)

tenant is evicted.

If the tenant does not move out of the rental unit after having been served with the Order of Possession, the landlord can then take steps to enforce the Order in the Supreme Court of British Columbia.

### **Unpaid Utilities and Rent Arrears**

In the case of unpaid utilities or rent arrears, the landlord must first provide the tenant with a written demand to pay all arrears or unpaid utilities. Only 30 days after that can the landlord then issue a 10-day Notice to End Residential Tenancy.

### **Disputing a Notice for Non-Payment of Rent, Rent Arrears or Unpaid Utilities**

Normally speaking, if you do not pay rent in full on the due date and there is no disagreement between the parties as to the amount(s) owing, you as a tenant cannot dispute the matter at the Residential Tenancy Branch. The matter is considered *non-arbitrable*.

However, if you have in fact paid your rent or if you disagree with the amounts alleged to be owing, you as a tenant can dispute the Notice to End Residential Tenancy by making an Application for Dispute Resolution at the Residential Tenancy Branch. A Dispute Resolution Officer designated by the RTB would then decide the outcome at hearing and render a finding legally binding on you and your landlord.

## **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 July 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](mailto:volunteers@tapsbc.ca).



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If you receive an eviction notice, or if you have any questions relating to your tenancy, 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. Thirty-day and sixty-day eviction notices, as well as how to appeal such notices, will be discussed in upcoming issues of the Taproot. ■

## **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.

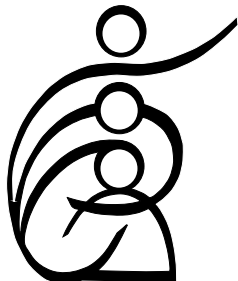
You can reach us between 9:30 a.m. and 4:30 p.m, Monday to Friday, by phone at 250-361-3521, or in person at #302 - 895 Fort Street.

## **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](mailto:volunteers@tapsbc.ca), or drop by the office at #302 - 895 Fort Street.



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*The Law Foundation of British Columbia*

*The Provincial Employees Community Services Fund*

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## **Become a Member of TAPS!**

**\$2.00 unwaged**

**\$5.00 waged**

**\$20.00 organization**

**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.