

# THE NEW RESIDENTIAL TENANCY ACT



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ORIGINALLY PUBLISHED IN THE SPRING 2004 EDITION OF THE BAILIWICK NEWSLETTER

The B.C. Legislature brought a new Residential Tenancy act into effect on January 1, 2004 to better protect the rights of landlords and tenants. A very brief overview of some of the highlights of this new Act as provided by the Ministry of Public Safety and Solicitor General include:

- Rent can be increased annually by a percentage equal to CPI plus 2%. The 2004 increase is 4.6%.
- Landlords may prohibit pets or restrict the size, kind or number of pets. They can also charge a one-time pet deposit of one-half month's rent if a pet is allowed. This is to encourage landlords to allow more pets in rental housing. Guide animals and existing pets are exempt from the pet deposit provision.
- Landlords must return (or file claims against) deposits within 15 days of the end of the tenancy. If they do not do so, they must pay the tenant double the amount of the deposit. The 15-day period, however, does not start until the tenant provides the landlord with a forwarding address in writing.
- The rental unit must be inspected by the tenants and landlords, and they must sign condition reports at the start and end of each tenancy. Failure to do so will result in the landlord losing the right to claim damage against the security deposit, or the tenant losing the right to the return of the deposit. The initial inspection report is not required of tenancies that started before the act came into force, except in case of a pet damage deposit if a tenant chooses to keep a pet for the first time since the act has come into force.
- Landlords may end tenancies for illegal activity that has, or is likely to cause damage to the landlord's property, or adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant.
- "Reasonable cause" has been eliminated as grounds for ending a tenancy, and landlords may end a tenancy if the tenant is repeatedly late paying rent, or if they fail to pay utility charges owed to the landlord.

Some other improvements which are beneficial to landlords include:

- Landlords are allowed to collect deposits for items such as electronic garage door openers.
- Landlords may inspect the rental unit monthly with proper notice to the tenant.
- Landlords may require post dated cheques for rent as a term of the tenancy agreement.
- Tenancies end at 1 p.m. on the last day of the tenancy, unless otherwise specified, to permit landlords to clean or make necessary repairs before the next tenant moves in.

And some other improvements which are beneficial for tenants

- Tenant's right to quiet enjoyment established in the act.
- Landlords are not permitted to charge prospective tenants an application or processing fee.
- Landlords are not permitted to charge additional fees for visitors or overnight guests.
- Landlords are required to issue receipts for rent paid in cash.

For more information visit the B.C. Government Web site at [www.gov.bc.ca](http://www.gov.bc.ca) and type 'rto' in the search bar, or call the Residential Tenancy Office 24-Hour Recorded Information Line from the Lower Mainland at 604 660-1020.

*To learn more about Chris Godwin, his areas of practice and view other Articles written by lawyers at our firm, visit us online at [www.bakernewby.com](http://www.bakernewby.com).*