

TRAC
TENANT RESOURCE & ADVISORY CENTRE

Finding Rental Housing

July 19, 2023

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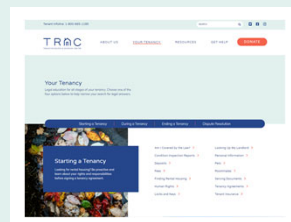


TRAC is located on unceded Coast Salish territory, including the lands belonging to the xʷməθkʷəy̓əm (Musqueam), Skwxwú7mesh (Squamish) & səliłwətaʔt (Tsleil-Waututh) Nations.

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TRAC's mission is to promote and enhance the legal protection of residential tenants across British Columbia by providing information, education, research, and advocacy on rental housing matters.

TRAC overview



Tenant Infoline
Full representation
Workshops/webinars
Plain language publications
Website
Social media
Online course
Systemic advocacy

Outline

- The law in BC
 - BC tenancy law, Residential Tenancy Branch, dispute resolution
- Searching for housing
 - Needs vs. wants, cost of renting, viewing a rental unit, rental scams
- Applying for housing
 - References, credit checks, cover letters, pets, application fees, personal information, discrimination
- Tenancy agreements
 - Periodic vs. fixed term, roommates
- Moving in
 - Deposits and fees, condition inspection reports, tenant insurance, locks and keys



The basics



Tenancy law in BC

- Residential tenancy law outlines tenant and landlord **rights** and **responsibilities** under the Residential Tenancy Act (RTA) and Residential Tenancy Regulation (RTR).
- Tenancy laws in BC are different from tenancy laws in other parts of the world.
- Tenancy agreements can't avoid or contract out of the RTA.
- Tenancy agreements can't include **unconscionable** terms that are oppressive or grossly unfair.



Key question

Are you covered under the RTA?

Not everyone who rents their home is a **tenant** under the RTA.

Jurisdiction

- You are **not** a tenant under the RTA if you:
 - Share a kitchen or bathroom with the owner of the property (e.g. home stay)
 - Rent from another tenant with whom you live as their occupant/roommate
- Live in:
 - co-operative housing
 - student housing provided by your school
 - vacation or travel accommodation
 - emergency shelter or transitional housing
 - housing based health facility that provides hospitality support services and personal health care
 - living accommodation made available in the course of providing rehabilitative or therapeutic treatment or services
- Illegal suites **are** covered by the RTA
- Civil Resolution Tribunal handles non-RTA rental disputes

Residential Tenancy Branch (RTB)



Department of provincial government in charge of residential tenancy law

- Phone assistance
- Website
- Official Forms



Only one RTB office in BC, located in Burnaby



Service BC centres across the province act as extensions of the RTB

- servicebc.gov.bc.ca

Dispute resolution

- Similar to court, but almost always done over the phone
- Arbitrator (similar to a judge) makes a legally binding decision
- \$100 fee — but you may be repaid if you win your hearing. If you're a low-income applicant, the fee may be waived entirely
- You need evidence — not simply allegations — to be successful
 - e.g. photos, receipts, witnesses, letters, affidavits



True or false?



Mia has been renting a laneway house for the past six months. She recently found out it was constructed without the city's permission and violates local bylaws. Since her laneway house is considered an "illegal suite," the Residential Tenancy Act (RTA) does not apply to her rental housing.

Answer: **False**. Illegal suites are still covered by the RTA.

Searching for housing



Needs vs. wants

Deciding where to apply for rental housing can feel overwhelming. To help focus your search, think about what matters most to you. Here are some common factors to consider:

distance to work, school, friends, and family	access to public transit	size of the unit and number of bedrooms	type of property	type of neighbourhood
nearby amenities	smoking rules	pet policies	roommate restrictions	accessibility requirements

Cost of renting

Aside from your regular rent payments, there could be other ongoing expenses that may or may not be included as part of your tenancy agreement.

Recurring expenses:

- utilities, such as electricity and heating
- TV and internet
- coin laundry
- a fee for a storage unit
- a new or more expensive transit pass
- a parking fee or permit; and
- tenant insurance.

One-time expenses:

- a security deposit;
- a pet damage deposit;
- installation or activation fees for utility or telecom companies
- a moving truck
- boxes and supplies to pack your belongings
- new appliances
- new furniture

Viewing a rental unit

- You may only get one chance to view a rental unit, so try to make the most of it.
- Goal: absorb enough information to help you decide whether to submit a rental application.



Viewing a rental unit

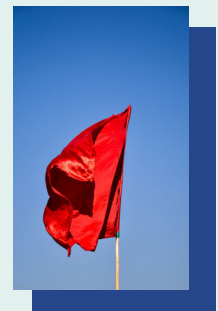
Do your best to stand out from the crowd — in a good way.

- Be on time
- Bring a responsible family member or friend for support
- Bring copies of your cover letter, references, credit report
- Introduce yourself and shake hands if it feels appropriate
- Offer to take off your shoes — remember to wear socks
- Strike up a friendly conversation and find common interests
- Thank the landlord for showing you the property



Rental scams

- Is the rent suspiciously low? How much do similar rental units in the neighbourhood cost?
- Is the person you are contacting not willing to arrange an in-person viewing?
- Are you being asked to mail your deposit in cash or send it electronically before viewing the unit?
- Does the person you are contacting seem too eager? Most landlords will ask for references and/or a credit check before committing to a tenant.
- What do the neighbours say?



Quiz



Which of the following could be a sign that someone is trying to scam you?

- you're asked to pay a security deposit after signing a tenancy agreement in person
- you are in contact with a property management company instead of the owner of the property
- you are being asked to e-Transfer a security deposit before you or someone you trust has had a chance to view the property

Applying for housing



References

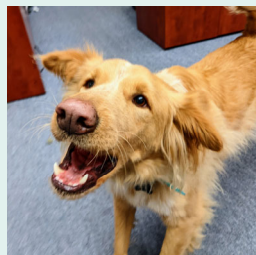
- Goal: convince the landlord that you'll pay rent on time, respect the property, not disturb neighbours, follow your legal responsibilities
- First-time renters may not have past landlord references to give
 - Give someone else who can give a positive description of your character: employers, teachers, supervisors
 - e.g. if a volunteer supervisor says you're always on time for your shifts, it could show the landlord you'll be on time paying rent
- Consider taking [Renting It Right](#) to get a certificate to show the landlord

Credit checks

- Some landlords ask for a credit report to decide whether to accept you
- This may require your full name, birthday, and SIN
- To avoid giving your SIN, get a free credit report from credit bureaus [Equifax](#) or [TransUnion](#)
- To overcome poor credit history:
 1. **Be honest.** Show honesty by telling them about your issues before they find them on their own
 2. **Explain your situation.** Was there an injury or personal matter that shows unfortunate circumstances and not bad money management?
 3. **Prove financial security.** Pay stubs, employment letters, confirmation of benefits
 4. **Prove reliability** with good references.

Pets

- Landlords are allowed to restrict pets entirely or restrict number, size, or type
 - Exception: [Guide Dog and Service Dog Act](#). Your landlord must allow certified animal and can't require a pet damage deposit
- Goal: show that your pet has a positive history of being non-destructive, reasonably quiet, and friendly to neighbours.
 - Pet references
 - Positive information about the breed
 - Certificates from a training program



Application fees

Charging a rental application fee is illegal

- even if the landlord plans to later return the fee
- even if they plan to apply it toward a security or pet damage deposit

According to the RTA, landlords can't charge a fee for:

- accepting an application;
- processing an application;
- investigating an applicant's suitability as a tenant; or
- accepting a person as a tenant.



Disclosure of personal information

The Office of the Information and Privacy Commissioner of BC (OIPC) has a helpful [guidance document](#).



Discrimination

According to the [BC Human Rights Code](#) a landlord cannot refuse to rent to you because of your:

- Indigenous identity
- Race
- Colour
- Ancestry
- Place of origin
- Religion
- Marital status
- Family status
- Physical or mental disability
- Sex
- Sexual orientation
- Gender identity or expression
- Age
- Lawful source of income

Exceptions:

- the rental applicant will be sharing sleeping, bathroom, or cooking facilities with another person;
- the building is designated for adults 55 and older; or
- the unit has the required permits to be designated for people with disabilities.

Quiz



Which of the following statements about rental application fees is **true**?

- the maximum a landlord can charge for a rental application fee is \$100
- a landlord is not allowed to charge a rental application fee**
- a landlord can charge a reasonable fee to investigate claims a tenant makes in their rental application.
- a landlord is allowed to charge a rental application fee – as long as they return the fee to rejected applicants, or apply it to the security deposit of the successful applicant

Tenancy agreements



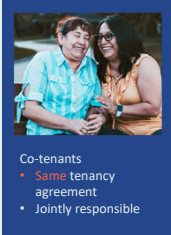
Tenancy agreements

- A legal contract between a tenant and landlord
- Verbal tenancies are covered under the RTA
- TRAC strongly recommends having a written agreement

Tenancy agreements

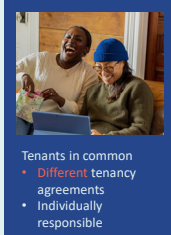
- Month to month or fixed term?
 - Vacate clauses only allowed in limited circumstances
- Key landlord contact info
 - Legal name, phone number, address for service, email address
- Landlords must give a signed copy within 21 days
- Changing a tenancy agreement needs the permission of landlord and tenant

Roommates



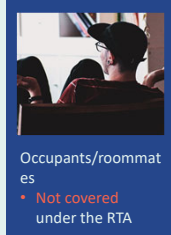
Co-tenants

- Same tenancy agreement
- Jointly responsible



Tenants in common

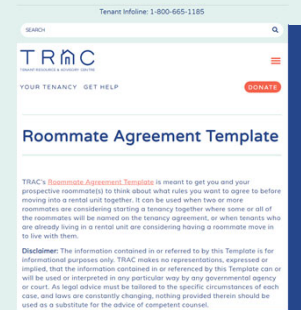
- Different tenancy agreements
- Individually responsible



Occupants/roommates

- Not covered under the RTA

Consider signing a roommate agreement. TRAC has a [template](#) you can use.



Quiz



Which type of roommate arrangement is **not** covered by the RTA?

- one roommate pays rent to another roommate without the landlord's knowledge or permission
- one co-tenant collects rent for two other co-tenants (all three are listed on the tenancy agreement) and pays the landlord each month on behalf of everyone
- two co-tenants never signed a tenancy agreement but have been paying rent to the landlord on the 1st of the month for over one year

Starting your tenancy



Deposits and fees

- Security deposit: half a month's rent
- Pet damage deposit: if pets are allowed, half a month's rent regardless of number of pets
- 2023 deposit interest rate: 1.95%
 - RTB deposit interest calculator
- No guest fees — even for overnight visitors
 - Landlords cannot restrict guests from accessing a tenant's rental unit under reasonable circumstances.
- Non-refundable fees:
 - replacement or additional keys
 - move-in or move-out fees charged by a strata corporation to the landlord
 - \$25 for late payment of rent or the return of a tenant's cheque by a financial institution, if those terms are included in the tenancy agreement

Condition inspection reports

- Tenants and landlords should complete both move-in and move-out condition inspection reports.
- If either landlord or tenant doesn't follow the rules, they may lose the right to get the deposit.

Tenant insurance

While tenant insurance may not ultimately be right for you, consider at least doing some basic research; it might be more affordable than you think, and it could end up saving you in a time of crisis.

- Personal possessions
- Liability
- Displacement

Locks and keys

- You have the right to ask your landlord to rekey the locks, free of charge.
- If you are moving in with other co-tenants listed on the tenancy agreement, each person has the right to receive their own set of keys.
- Your landlord must give you keys/access devices to other parts of the rental property that are included as part of your tenancy.
 - storage area, mailbox, common areas like gym or laundry room

Quiz



Which of the following statements about rental application fees is **true**?

- the maximum a landlord can charge for a rental application fee is \$100
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Contact us

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- 📄 rentingitright.ca
- ☎ 1-800-665-1185
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