This information is valid as of the date it was presented (March 20, 2023). If in doubt, contact TRAC (tenants.bc.ca).

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

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.
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.

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

Key question

Are you covered under the RTA?
Not everyone who rents their home is a tenant under the RTA.

Residential Tenancy Branch (RTB)

- Department of provincial government in charge of residential tenancy law
- Phone assistance
- Website
- Official Forms

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

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

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
- nearby amenities
- access to public transit
- size of the unit and number of bedrooms
- type of property
- type of neighbourhood
- smoking rules
- pet policies
- roommate restrictions
- accessibility requirements

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.

What should I ask at a rental viewing?

- Have there been a series of tenancies from other tenants, or issues in the building?
- Are there any fees for parking, storage, or laundry?
- What are the rules about streaming, pets, roommates, and accessibility?
- Is the building heavily soundproofed? Is it common to hear noise from other units?
- Is the rental unit considered an illegal suite?

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- Is the rental unit considered an illegal suite?
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?

a. you’re asked to pay a security deposit after signing a tenancy agreement in person
b. you are in contact with a property management company instead of the owner of the property
C. 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.

Quiz

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

a. the maximum a landlord can charge for a rental application fee is $100
b. a landlord is not allowed to charge a rental application fee

c. a landlord can charge a reasonable fee to investigate claims a tenant makes in their rental application.

d. 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

- 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

Quiz

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

- a. one roommate pays rent to another roommate without the landlord's knowledge or permission
- b. 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
- c. 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

Consider signing a roommate agreement. TRAC has a template you can use.

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
- If you overpay a deposit, you can withhold it from your next rent payment. Write to the landlord to let them know you have the right
- 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

True or false?

Beau agrees to rent a townhome for $1,200 per month and pays the landlord $800 as a security deposit. After researching, Beau realizes the maximum amount a landlord can charge for a deposit is half the monthly rent. When Beau moves in, he pays $1,000 rent and clearly explains to the landlord in writing that he is withholding the amount of money he overpaid as a security deposit. This is a right that Beau has under the RTA.

Answer: True

Contact us

tenants.bc.ca
rentingitright.ca
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Feedback?
surveymonkey.com/r/ZLXQPYP