



Report to Council From the Office of Councillor Amy Lubik

Date: May 27, 2022

Subject: **Updating of minimum standards of maintenance for BC and request for resources for RTB and local governments to support renter wellbeing**

Purpose

To advocate to the Province of BC through UBCM to strengthen the base standards of rental maintenance, and provide resources for local government and/or RTB enforcement of infractions that impact residents health and wellbeing, provide more resources for resources for the RTB to adjudicate claims in a timely manner and increase support for tracking claims related to health and well-being.

Recommendation

THAT the following resolution regarding Updating of minimum standards of maintenance for BC and request for resources for RTB and local governments to support renter wellbeing be endorsed by the City of Port Moody Council

AND THAT staff be directed to forward copies to the Premier of British Columbia, the Ministers of Housing, and the Union of British Columbia Municipalities (UBCM) Annual Convention as recommended by the report dated March 14th, 2022 from Councillor Amy Lubik;

WHEREAS there are large gaps in resourcing and legislative authority across institutions and levels of government across BC which leave renters vulnerable to poor and potentially hazardous living conditions depending on where they live, as well as an overwhelming lack of capacity and support for the Rental Tenancy Branch to investigate, support and enforce complaints;

AND WHEREAS climate change is worsening conditions and vulnerabilities for low-income renters;

THEREFORE BE IT RESOLVED That the Province of BC strengthen protection of renters' health by undertaking the following:

- **update the minimum standards of rental maintenance to include maximum and minimum safe temperatures and definitions of serious mold concerns, such that health concerns that are likely to increase for renters in the face of a changing climate;**
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- **Ensure mechanism for enforcement are in place in jurisdictions that do not have standard of maintenance bylaws;**
 - **Provide resources for local governments to enforce RTB rulings, which may include funding for staff or the creation of provincial positions, including necessitation that concerns are addressed even if the tenant who files them moves, while ensuring meaningful consultation with rural and remote communities to develop supports that will work in their contexts;**
 - **Provide all Local governments the authority to undertake health and hazard related repairs, which would be recovered from offending landlords;**
 - **Provide the RTB with additional resources to ensure timely support for adjudication, as well as tracking of health related concerns.**
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Background

Port Moody has been a leader in policy and advocacy regarding housing, both locally and provincially. Council recently voted unanimously to update our housing policies based on recommendations by our Affordable Housing Task Force, including the creation of a Standards of Rental Maintenance Bylaw. This is on top of the current base provided by the Province and Rental Tenancy Branch, which, though recently improved, is fairly vague, which puts some tenants at risk. Port Moody has experienced at least three concerns with these issues; however, literature indicates that many renters are afraid to come forward for fear of being evicted.

This is not an issue that is Port Moody specific. Councillors across Metro Vancouver have stated lack of consistent standards of maintenance to be an issue in their communities. It was most recently highlighted by Burnaby in their Mayors Task Force on Housing report as a community need. This is in addition to the recommendations of the Provincial Rental Task Force, where the top concern was cited as Inadequate maintenance and building conditions of rental homes: “The Task Force heard accounts of renters living in unsafe and uninhabitable conditions due to a lack of maintenance. In fact, “inadequate maintenance and building conditions” was the top challenge faced by renters throughout the province.

When a unit or a building is in disrepair, the tenant’s health, safety and quality of life is at risk. Through the online forum, a tenant in the Lower Mainland shared that his landlord, “stopped fixing very dangerous problems in the building that can make people sick or are just physically dangerous, because he knows he can soon sell...” When needed repairs haven’t been made by a landlord despite repeated requests from the tenant, an arbitrator can issue a repair order for a problem in a unit or a building. In some cases, the order is ignored and the tenant may end up living with the problem for months even if they go back to the Residential Tenancy Branch to try to get help. The Residential Tenancy Branch has the legislative power to reduce the rent of affected tenants until repairs are done. It is recommended that the Residential Tenancy Branch change their procedures to allow an arbitrator to issue a rent reduction at the same time as issuing the repair order in cases where important repairs have been left undone, despite attempts to get the matter addressed by the landlord.”

Further, in a changing climate, the current minimum standards of maintenance declared by the Province lack critical guidance, such as maximum and minimum temperatures, and definitions of when mould is the responsibility of the landlord. Because we are likely to see changes in incidence of these types of issues, tracking them would aid the province in understanding climate related challenges of renters and landlords alike.

It has been underlined by Port Moody residents and renters across the province that not only does the Rental Tenancy Branch not have the resources to properly support clients with these issues in a timely manner, but they do not have powers to enforce recommendations and rely on local government resources, which may or may not be adequate or in place. The current wait time is approximately in the timeframe of years.

This resolution has been drafted in collaboration with Cllrs Harold Steves (Richmond), Jaimie McEvoy (New Westminster) and Sharmarke Dubow (Victoria).

Discussion

In 2012, the city of Surrey put forward a request to the Province:

“Request that the Mayor, on behalf of City Council, forward a letter to the appropriate Ministers of the Provincial Government with a request that the Province transfer sufficient funding to the City of Surrey and other local governments to undertake the work associated with standards of maintenance by-laws related to rental accommodations, which work is falling to local governments by virtue of the Provincial government not providing sufficient resources for the Residential Tenancy Branch to undertake such work, despite the fact that the Residential Tenancy Branch's mandate includes undertaking such work...

In the 1990s the Provincial government amended the Municipal Act to allow local governments to enact standards of maintenance ("SOM") by-laws to enforce basic levels of maintenance for rental accommodation. In addition, the Province developed a Model Standards of Maintenance Bylaw to serve as a starting point for municipalities to use in drafting a bylaw suited to local conditions. In 1999, Surrey City Council considered Corporate Report No. R1743 entitled "Standards of Maintenance By-law for Residential Rental Accommodation". The report acknowledged that the adoption of a SOM by-law might have some positive effects with respect to the maintenance of the City's residential rental housing stock; however, it noted that the administration of such a bylaw would result in additional costs to the City and that the mandate for such work was with the Province. On account of the fact that aggrieved tenants had some alternatives (i.e., the RTB and health unit) to have their complaints addressed, Council adopted the recommendations of the report and did not pursue the adoption of a SOM by-law at that time.”

From the BC Tenant Resource and Advisory Centre:

“Landlords are generally responsible for the following repair and maintenance issues:

- heating;
- plumbing;
- electricity;
- locks;
- light fixtures in common areas;
- walls, floors, and ceilings;
- fire doors and fire escapes;
- smoke alarms;
- intercoms;
- elevators;
- painting at reasonable intervals;
- routine yard maintenance, such as cutting grass and clearing snow, in multi-unit residential complexes;
- infestations and pests, such as bed bugs;

- serious mold issues; and
- anything included in your tenancy agreement, such as the:
 - fridge
 - stove
 - laundry facilities
 - security system
 - furniture
 - garage
 - storage facilities”

Under the *Residential Tenancy Act*, landlords must maintain residential property in a state of decoration and repair that complies with health, safety, and housing standards as required by law.

However, according to the Tenants BC, there are many gaps in both the existence, scope, and capacity of standard of maintenance

“The *Residential Tenancy Act (RTA)* is the most important law for you to understand, but it is not the only law that applies to tenants and landlords in BC. This is especially true when it comes to repairing and maintaining rental properties. Although the *RTA* states in general terms that landlords must comply with health, safety, and housing standards required by law, it does not do a good job of explaining what that means.

For a more detailed description of your landlord’s legal responsibility to repair and maintain your rental property, you will need to research one of your City’s bylaws – usually referred to as a “Standards of Maintenance” or “Good Neighbour” bylaw. These local laws go into greater detail than the *RTA* on heating systems, hot water, infestations, exterior walls, roofing, elevators, fire escapes, etc. If your landlord is refusing to make certain repairs, your City might be willing to send a Bylaw Officer to inspect your property, issue warnings and fines to your landlord, or otherwise enforce the bylaw. Alternatively, the bylaw could be used as evidence for a repair order at a Residential Tenancy Branch (RTB) dispute resolution hearing.

Unfortunately, not all Cities have Standards of Maintenance / Good Neighbour bylaws, and some City bylaws are better than others.”

Renters need some enforceable recourse no matter where they live that does not hamper the resources of local governments and respects the different needs of small and rural jurisdictions. Additionally, there are gaps not only in enforcement and scope, but also in definitions of health concerns, which are growing in a climate emergency. BC landlords are responsible for heating systems, however, in a changing climate we are seeing many vulnerable residents, particularly those who are low income, become ill or die in extreme heat conditions when they have air conditioning or cooling. Though BC has historically been deemed temperate, we are seeing more extreme weather, hastening the need for maximum habitable temperatures for rentals. Similarly, in extreme cold conditions, many low-income residents may not have adequate heating and there is not provincial minimum temperature. Further, depending on space heaters, as some households do, is not only unsafe, but presents high heating bills which disproportionately impact low-income renter. We are also experiencing increased intense rainfall and flooding across BC which poses issues of mould. Though many landlords may be adequately cleaning after flooding and water damage, there are reports in the media stating that some landlords do not let tenants know of past flooding or do not adequately clean up after damage, leaving tenants to the ill health impacts of mold. The issue that follows is that there is not a clear definition of what small or large mould problems are, meaning that there is a grey area to take action. Clarity on these health issues is required.

The intent behind this resolution is not to add more work to local governments, but to ask the Province to provide the RTB and local governments to support the health of renters through guidance and expansion of capacity. The above outlines why local governments should implore BC to do the following:

- update the minimum standards of rental maintenance to include maximum and minimum safe temperatures and definitions of serious mold concerns, such that health concerns that are likely to increase for renters in the face of a changing climate;
- Ensure mechanism for enforcement are in place in jurisdictions that do not have standard of maintenance bylaws;
- Provide resources for local governments to enforce RTB rulings, which may include funding for staff or the creation of provincial positions, including necessitation that concerns are addressed even if the tenant who files them moves, while ensuring meaningful consultation with rural and remote communities to develop supports that will work in their contexts;
- Provide funding for local governments to undertake hazard related repairs due to neglect, which would be recovered from offending landlords;
- Provide the RTB with additional resources to ensure timely support for adjudication, as well as tracking of health-related concerns.

Other Option(s)

That the report dated May 27, 2022 from Councillor Amy Lubik regarding Updating of Minimum Standards of Maintenance for BC And Request for Resources for RTB and Local Governments to Support Renter Wellbeing be received for information.

Financial Implications

There are no financial implications.

Communications and Civic Engagement Initiatives

There are no communication and civic engagement initiatives.

Council Strategic Plan Objectives

- Climate Change Preparedness
- Community Health
- Reducing Inequities
- Courage to lead