

Residential Tenancies Bill

Service NL

May 2018

CONSULTATION PROCESS

- Government Consultations
 - 2012 Residential Tenancies Consultations
 - 2013 Org Code Consultations for Newfoundland and Labrador Housing Corporation (NLHC) on A Road Map for Ending Homelessness in Newfoundland and Labrador
 - 2015 All-Party Committee on Mental Health and Addictions Public Consultations
 - 2015 Public Engagement Process on Poverty Reduction

CONSULTATION PROCESS

- Government Consultations continued...
 - 2016 Provincial Housing First Forum
 - 2016 NLHC Stakeholder Input Session
 - 2016 Government Renewal Initiative Consultations
 - 2016 Violence Prevention Initiative Roundtable Meetings
 - 2017 NLHC Consultations on Program and Service Review

CONSULTATION PROCESS

- Strategic Stakeholder Consultations
 - City of St. John's
 - St. John's Board of Trade (Private Sector Landlord Sub-Committee)
 - The Newfoundland Tenant and Landlord Support Group
 - Stella Burry Report on Boarding Houses
 - Newfoundland and Labrador Federation of Labour
 - Several other stakeholders (private landlords) also provided written submissions

CHANGES THAT BENEFIT LANDLORDS AND TENANTS

1. Increase penalties for contravening the legislation from a maximum of \$400 to a maximum of \$10,000 for corporations and \$3,000 for individuals
2. Expand the applicability of the Act to boarding houses and living accommodations provided by religious, charitable and non-profit organizations
3. Eliminate the reconsideration of orders to the Director and allow parties to go straight through the court process, reducing the timeline by 17 days
4. Empower the Director to hear an application and determine that a six month notice period for a group eviction notice would result in undue hardship for the landlord or tenant and make an order reducing or extending that time period

CHANGES THAT BENEFIT LANDLORDS AND TENANTS

5. Reduce the period of time a landlord or tenant can make an application to the Director from two years to one year from the termination of the rental agreement
6. Provide that documents can be delivered and served through electronic means
7. Expressly require the Director to provide landlords and tenants with a copy of an order
8. Prescribe requirements for group termination notices and notices of application to the director consistent with requirements for other types of notices
9. Incentive to reduce the agreement to writing

CHANGES THAT BENEFIT LANDLORDS AND TENANTS

10. Provisions for post-dated payments to allow for electronic means of payment (not just post-dated cheques)
11. Expanding Statutory Conditions on Peaceful Enjoyment to include Reasonable Privacy of landlords and tenants

CHANGES THAT BENEFIT TENANTS

12. Provide for early termination of fixed term rental agreements without penalty by providing 30 days' notice in situations of family violence
13. Increase the notice period for rental increases from three months to six months
14. Decrease the time a landlord can keep a security deposit from 15 days to 10 days
15. Make it easier to get a security deposit back by allowing an immediate order for its return without holding a hearing if the landlord does not file an application within the 10 days
16. Clarify that any notice indicates the section of the Act that gives grounds for the notice

CHANGES THAT BENEFIT TENANTS

17. In situations of a group eviction, require that all tenants (add tenants of residential complexes, in addition to tenants of mobile home parks) be given 6 months' notice
18. Clarify that group termination notices are limited to the grounds outlined in the Act (demolition; changing use to a use other than rented residential premises; and repairs or renovations so extensive they require vacant possession)
19. Amend the definition of landlord to make it clear that sub-lettors are landlords
20. Require receipts (electronic allowed) for rent or other money, on the tenants' request

CHANGES THAT BENEFIT LANDLORDS

21. Expand the Director's authority to make an ex parte order (make an order without attempting to mediate or holding a hearing) to include situations where the landlord's property is at significant risk (to be defined in policy)
22. Reduce the time it takes to evict a tenant in arrears by decreasing the time the tenant must be in arrears before a 10 day notice to evict can be given to 5 days from 15 days
23. Reduce the time landlords have to store abandoned personal property from 60 to 30 days

CHANGES THAT BENEFIT LANDLORDS

- 24. Allow landlords to securely store the personal property in/on the rental property (which is currently prohibited), without requiring an agreement in writing
- 25. Clarify that the tenant must pay the rent owing because of a landlord's failure to provide a copy of the rental agreement on receipt of a copy of the rental agreement
- 26. Clarify that a landlord's consent to a sublet or assignment is to be made in writing
- 27. Termination notices would not be required if a landlord and tenant agree in writing to terminate the rental agreement on a specific date (reduces red tape)

CHANGES THAT BENEFIT LANDLORDS

28. Only require landlords to establish a separate account for holding security deposits if they rent three or more residential premises (currently applies to all landlords)

29. Where cheques are returned to the landlord for non-sufficient funds, the landlord can charge the tenant a fee in the same amount the landlord was charged by the financial institution (instead of charging a fee in an amount set by the Minister)

LESS SUBSTANTIAL CHANGES

- 30. The appointment of the Director would be made by the Minister rather than the Lieutenant-Governor in Council
- 31. Remove the limiting, unclear, definition of material breach and define it in policy
- 32. Where a request for a warrant is filed, provide that it can be filed as a telewarrant
- 33. Clarify when a tenant is considered to have abandoned the residential premises
- 34. Shift notification of application and hearing requirements from the director to the applicant (Director would still notify of any change in hearing date, time or place)
- 35. Clarify that withdrawal of applications must be made in writing (including electronic)

LESS SUBSTANTIAL CHANGES

- 36. Records required to be kept by the landlord will have to also identify the tenant and the residential premises to which the records relate
- 37. Clarified types of rental agreements
- 38. Definition of residential premises clarified
- 39. Generally clarify the language