

Winnipeg Rental Network comments on Bill 40 The Residential Tenancies Amendment Act

The Winnipeg Rental Network (WRN) is an on-line resource hub and a free listing service for affordable rental accommodation in the city of Winnipeg. The network itself is a broad coalition of social service agencies and housing providers who seek to collaborate on solutions to the lack of affordable rental housing in Winnipeg. The WRN, itself, is not a housing provider.

The Winnipeg Rental Network has held its own community consultations on the amendments found within Bill 40. My presentation here today will only touch on a few concerns raised within the network.

There are a number of amendments in this bill that we feel are both import additions and necessary safeguards for both tenants and landlords. For example, the changes to the pet damage deposits will hopefully encourage more landlords to let pet-friendly units. It appears that the number of pet-friendly rental units have been on the decline and hopefully the increase to the damage deposit will provide the security that landlords need.

Sections 161(2.1) and (2.2) are amended by striking out "seven" and substituting "five"

Some of the amendments in the Bill deal with expediting the eviction process. Amendments such as 160.2(1) (generally denying appeal for persons who did not attend or otherwise participate in the hearing before the director) will be welcomed by landlords who have experienced an inevitable eviction that is prolonged by the appeal process. While some of these amendments are designed to make it harder for the “professional tenant” to manipulate the appeal process, it needs to be noted amendments to subsections 161(2.1) and (2.2) will likely only hurt those tenants who are not familiar with the appeal process. By reducing the appeal of a decision or order from seven days to five days will narrow the window for those who are genuinely unfamiliar with the process or who may have mobility issues that limit their capacity to respond. For example, it is not clear if five days mean five business days, or if it means that the appeal period can start on a Wednesday and end on a weekend. For the sake of two days, it would be preferable to leave out this amendment and allow the appeal period to benefit those who are genuinely intimidated by the process and need more time to prepare.

Order of possession for unlawful activity

The new section 154(1.0.1) may grant an order of possession to a landlord for a contravention of section 74.1 whether or not the tenant or other person the tenant permits in the residential complex has been convicted of an offence relating to the unlawful activity. It is not clear why this wording is being inserted. If there is a clear violation of section 74 (the duty not to impair the safety or interfere with the rights of the landlord or other tenants), then it does not matter if there is a criminal conviction in place or not. An order of possession can be given.

Our precaution with sections 96(5) and 154(1.0.1) is that they may be used by landlords or disgruntled neighbours to falsely accuse a tenant of unlawful activity. It would be one thing to order an eviction based on misleading or false claims, it would be another for the Branch to be party to slander. The bottom line is that sections 73 and 74 deal with questions of safety and unlawfulness. If there are problems enforcing sections 73 or 74, then they should be dealt with procedurally. Otherwise, this new wording may only serve to mislead.

In closing, I would like to thank members for bringing this legislation forward and for the opportunity to speak to the Bill.

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