



### Name of Legislation

*Residential Tenancy Act*, S.B.C. 2002, c. 78

- Section 32(1): requires landlords to maintain their rental property in a state of repair that complies with the health, safety and housing standards required by law and, having regard to the age, character and location of the rental unit, makes the unit suitable for occupation by a tenant.
- Sections 41-43: allow annual rent increases at the rate of inflation plus two percent. Landlords can apply to the Residential Tenancy Branch to increase rents beyond this amount if the rent being charged is significantly lower than rents in similar units within the same geographic area as the unit in question. These are called “geographic area rent increases.”
- Section 49(6)(b): allows landlords to evict tenants to undertake renovations that require the unit to be vacant. Tenants have no right of return to their unit when the renovations are complete. The landlord can charge the new tenants any amount of rent; they are not constrained by the inflation plus two percent rule, which applies only within existing tenancies.

### Purpose and History of legislation

BC Liberal MLA Minister Rich Coleman proposed a new *Residential Tenancy Act* (RTA) in 2002. He said its purpose was to:

- modernize the existing RTA;
- put the Act into plain language that everyone can understand;
- strike a fair balance between the rights and obligations of landlords and tenants;
- provide for a clearer understanding of those rights and obligations by both parties;
- help improve relations between landlords and tenants; and
- reduce the number of disputes between landlords and tenants, thus reducing the number of dispute resolution hearings.<sup>1</sup>

Minister Coleman also expressed his hope that the new RTA would encourage private sector

<sup>1</sup> British Columbia, Legislative Assembly, *Official Report of debates of the Legislative Assembly (Hansard)*, Vol. 9 No. 12 (30 October 2002) at 4170.

investment in rental housing by allowing for yearly rent increases based on a set percentage added to the consumer price index. In contrast to the previous RTA, the 2002 Act does not require landlords to justify every rent increase. Landlords are entitled to increase rent every year by an amount set in the Regulations. Currently landlords may raise rents by the rate of inflation plus 2% every year.<sup>2</sup>

### Vulnerable groups identified

West Coast LEAF identified two groups as being particularly vulnerable to these provisions of the RTA: 1) seniors, particularly senior women, and 2) single mothers and their children.

### Methodology

West Coast LEAF reviewed the RTA and the Hansard records of the debates surrounding its introduction in 2002. We then reviewed literature from a wide variety of sources pertaining to housing rights, focusing on research specific to the experiences of women and seniors.

West Coast LEAF conducted consultations with tenants and tenant advocates in BC, most of whom were based in the City of Vancouver. Further research should include consultations with tenants and advocates in rural areas of BC to reflect the experiences of seniors and single mothers who are renting their homes in regions outside Vancouver.

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<sup>2</sup> *Residential Tenancy Regulation*, s. 22

## Summary of Equality Impacts

### 1) Seniors

Seniors make up a significant and growing proportion of our society. 13.8% of BC's population – over half a million people – are aged 65 or over, and population projections predict that the percentage of seniors in BC will increase by 8.3 percentage points over the next 15 years.<sup>3</sup> Vancouver's population of seniors has also increased, and it is anticipated that by 2036, seniors will represent one-fifth of the total Metro Vancouver population.<sup>4</sup>

Because of their longer life expectancy, most seniors are women, and this is especially so in older age groups. In 2005, women accounted for almost 75% of persons aged 90 or older, and accounted for 52% of persons aged 65-69. In Metro Vancouver there are twice as many women as men over the age of 80.<sup>5</sup>

Only 68% of seniors aged 65-74 in the City of Vancouver own their homes.<sup>6</sup> The City has a much higher proportion of renters than Metro Vancouver as a whole, and a much higher proportion than the national average.<sup>7</sup>

The proportion of seniors with low incomes in BC is among the highest in Canada. The incidence of poverty is higher in Vancouver than elsewhere in the province; in 2006, 16.5% of Vancouver seniors (about 12,000 people) reported before-tax incomes below the Low Income Cut Off (\$20,718 for a single person), while BC-wide the average was 13.8%.<sup>8</sup>

Seniors with low incomes, or who receive a fixed income through government assistance, are less able to cope with yearly rent increases. When a greater proportion of their income must be directed towards rent, there is less available for other necessities such as utilities, food, transportation, medication, and clothing.

The stress caused by annual rent increases may be detrimental to seniors' health and well-being and contribute to physical and psychological health issues. One Vancouver tenant advocate consulted by

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<sup>3</sup> *A Portrait of Seniors in Canada* (Statistics Canada, 2006), at 13-14.

<sup>4</sup> Social Policy Group, Social Development Department, City of Vancouver, *Seniors in Vancouver*, (City of Vancouver: October 2010) at 7, online:

<[http://vancouver.ca/commsvcs/socialplanning/initiatives/seniors/pdf/Seniors\\_Backgrounder.pdf](http://vancouver.ca/commsvcs/socialplanning/initiatives/seniors/pdf/Seniors_Backgrounder.pdf)>.

<sup>5</sup> *Ibid.*

<sup>6</sup> City of Vancouver Seniors Factsheet (October 2010), online:

<[http://vancouver.ca/commsvcs/socialplanning/initiatives/seniors/pdf/Seniors\\_Factsheet.pdf](http://vancouver.ca/commsvcs/socialplanning/initiatives/seniors/pdf/Seniors_Factsheet.pdf)>.

<sup>7</sup> *Seniors in Vancouver*, supra note 4, at 10.

<sup>8</sup> City of Vancouver Seniors Factsheet, supra note 6.

West Coast LEAF reported that in her experience, when evictions or rent increases happen in apartment buildings, seniors are the first ones to leave because of the stress and insecurity these issues cause.

Low-income seniors may be forced to live in unhealthy and unsafe conditions because it is all they can afford. Accessing the Residential Tenancy Branch to assert their right to a safe and healthy environment can be challenging.

Seniors with limited mobility are impacted by the need to travel long distances to file notices of dispute resolution, and by the inaccessibility of required forms and information sheets. There is no legal aid available for tenancy cases and the process is bureaucratic and can be difficult to navigate without an advocate. Telephone hearings may disadvantage seniors experiencing hearing loss.

Seniors may be more likely than other tenants to have lived in their apartments for many years. West Coast LEAF's research and community consultations revealed many senior renters in Vancouver who had lived in the same apartment for decades. There is a risk that landlords may see an increased incentive to evict long-term tenants and renovate their apartments to make way for new tenants, to whom they can charge a much higher rent. Suites that have been occupied for many years by the same tenant may not have benefited from regular improvements and upgrades, and may be especially vulnerable to these so-called "renovictions."

Many seniors have impaired mobility and rely on having accommodations that are close to the resources and services they need: transport, shops, doctors, parks, community centres, libraries, etc. Seniors who are evicted to make way for renovations to their suites, or who find themselves unable to pay increasing rents, may be restricted in their options for alternative housing by limited mobility and the need to live close to these essential services and amenities.

Seniors both contribute to and benefit from a diverse and vibrant community. Seniors who have lived in their neighbourhood for many years create strong and lasting connections with their communities and often become well-known fixtures of their neighbourhoods. One younger tenant West Coast LEAF consulted lamented the fact that many seniors have recently moved out of her neighbourhood, noting the valuable social capital and institutional memory they had brought to the community.

Given that most seniors are women, the impacts of the RTA on seniors outlined above will have a disproportionate adverse impact on women.

## **2) Single Mothers**

The disadvantages single mothers experience from the operation of the RTA are most likely related to their relative economic disadvantage. Families headed by single mothers are among the most

vulnerable groups in Canadian society; they are more likely to be the poorest of the poor and one of the groups at the highest risk of persistent poverty.<sup>9</sup> The median total income of single mothers in Vancouver in 2005 was \$27,700, down from \$29,000 the previous year.<sup>10</sup> The median total income for male single parents in Vancouver, on the other hand, went up from \$41,900 to \$45,500 over the same period. Low income rates for female lone-parent families are more than three times as high as those of two-parent families with children.<sup>11</sup>

Single mothers are far less likely to own their own homes than either single fathers or married mothers. In 2003, 80% of women who were partners in a husband-wife family lived in an owner-occupied home, compared with just 45% of female lone parents. In contrast, 66% of male lone parents are homeowners.<sup>12</sup>

Single mothers who rent their homes are particularly vulnerable to housing insecurity: 42% of renter families headed by female lone parents had housing affordability problems in 2003.<sup>13</sup>

When compared with men, women's involvement in paid work is more often characterized by low-waged, non-unionized, part-time work with access to few or no employer-provided benefits, and is further hampered by a lack of access to affordable childcare. Given these structural and institutional barriers to women's participation in the paid labour force, social assistance is an essential option for some single mothers.

Massive cuts to social assistance over the past decade have significantly contributed to the poverty and housing insecurity experienced by many single mothers in BC. A single mother with two children is entitled to \$375 in social assistance and \$660 for shelter.<sup>14</sup> Yet the average monthly rental rate for a one bedroom apartment in BC is \$864, and for a two bedroom it is \$1,015.<sup>15</sup> Vancouver's rents are even higher; the city's average rents are the highest in the country.<sup>16</sup> Annual rent increases or applications for rent increases above the annual allowable amount will seriously disadvantage single mothers already struggling to pay their rents and cover other essentials.

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<sup>9</sup> Gwen Brodsky, Melina Buckley, Shelagh Day and Margot Young, "Human rights denied: Single mothers on social assistance in British Columbia" (2005), online:

<<http://www.westcoastleaf.org/userfiles/file/HumanRightsDenied.pdf>>.

<sup>10</sup> Charlie Smith, "Mothers under siege" *Georgia Straight* (7 June 2007).

<sup>11</sup> Statistics Canada, "Single Parent Families" online: <<http://www.statcan.gc.ca/survey-enquete/household-menages/3889i-eng.htm>>.

<sup>12</sup> Statistics Canada, *Women in Canada: A gender-based statistical report*, 5<sup>th</sup> edition, 2006, at 145, online: <<http://www.statcan.gc.ca/pub/89-503-x/89-503-x2005001-eng.pdf>>.

<sup>13</sup> *Ibid.*

<sup>14</sup> BC Employment and Assistance Rate Tables (June 2007).

<sup>15</sup> Canada Mortgage and Housing Corporation, *Rental Market Report, British Columbia Highlights*, (Spring 2011), online: <[http://www.cmhc-schl.gc.ca/odpub/esub/64487/64487\\_2011\\_B01.pdf?fr=1319146033500](http://www.cmhc-schl.gc.ca/odpub/esub/64487/64487_2011_B01.pdf?fr=1319146033500)>.

<sup>16</sup> Major Canadian City Monthly Rental Rate and Vacancy Summary, April 2011, online:

<<http://www.buyric.com/news/2011/06/major-canadian-city-monthly-rental-rate-and-vacancy-summary-april-2011-230/>>.

Because of low income and inadequate social assistance rates, single mothers may end up living in unhealthy and/or unsafe accommodations because it is all they can afford. Their own health and the health of their children may be compromised by these conditions, yet even these unacceptable standards of housing may be preferable to the alternative of returning to an abusive ex-partner or becoming homeless.

Challenging these violations of the health, safety and livability standards contained in the RTA may be extremely difficult for single mothers who cannot afford to take a day off work or arrange childcare for the time it takes to file, collect evidence for, and pursue a claim for dispute resolution. Mothers are also at risk of having their children apprehended due to the lack of resources they may have in order to access suitable housing.

High rents, low vacancy rates, and inadequate incomes and social assistance rates make the prospect of an eviction especially terrifying for many single mothers. The children of single mothers are also affected by housing insecurity and the prospect of a “renoviction.” Evictions and moves, not to mention possible periods of homelessness and “sofa surfing,” disrupt schoolwork, friendships and a child’s sense of security and stability.

### Recommendations for mitigating actions

Tackling homelessness and housing insecurity requires commitment and investment from all three levels of government. The task cannot be left to the provincial government or the RTA. Reforms to the RTA will not be sufficient to address the varied and complex reasons for homelessness and housing insecurity experienced by seniors, single mothers and other vulnerable groups; however there are a number of legislative reforms that should be explored for their potential to assist these tenants:

- End “renovictions.” Implement a right of return for tenants whose suites must be vacated to allow for renovations, at the same rate of rent they were paying prior to the renovation.
- Remove the geographic area rent increase clause, which allows landlords to apply to increase rents above the annual allowable rent and has led to protracted litigation and hostile relations between landlords and tenants.
- The dispute resolution process also needs significant reform in order to better serve seniors, single mothers and other vulnerable groups. More, and more accessible, RTB offices; greater advocacy and assistance for tenants involved in disputes; and policies and procedures that assist vulnerable tenants to assert their rights are all important investments.

Homelessness and housing insecurity are intricately bound up with many other issues, including poverty, violence against women, discrimination, lack of affordable housing options, and lack of affordable childcare. These challenges require concerted and targeted policy responses from all levels of government and must include increases to social assistance rates and the minimum wage to reflect

the actual cost of living; increased shelter allowances that reflect the actual costs of renting, with separate allowances for utilities; investments in childcare and transportation services; government investment in affordable housing; and tax reforms and other measures to stimulate private investment in rental housing.

***This Equality Impact Statement is a description of the possible or actual gendered impacts of the legislation, which were explored in more depth in the Background. While the EIS may raise possible breaches of the Charter worth further research and consideration, it is not an application of the Charter or Charter jurisprudence - rather, it is the application of Gender-Based Analysis and international Gender Development tools created and applied around the world.***



West Coast LEAF's mandate is to achieve equality by changing historic patterns of systemic discrimination against women through BC-based equality rights litigation, law reform and public legal education.

[www.westcoastleaf.org](http://www.westcoastleaf.org)

Funding for this project was generously provided by The Law Foundation of British Columbia

