

## NEWS RELEASE

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### FOR IMMEDIATE RELEASE

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#### **Tenancy protections must be enforced for seniors in retirement homes**

VICTORIA – The Office of the Seniors Advocate is urging the provincial government to act quickly and enforce the Residential Tenancy Act (RTA) to protect the 30,000 B.C. seniors in retirement homes from illegal rent increases and evictions.

The BC Seniors Advocate’s new report *Forgotten Rights: Seniors Not Afforded Equal Rent Protection* released today highlights the practice of many landlords to ignore the RTA and leave seniors facing annual cost increases ranging from the rate of inflation to as much as 24%.

“Calls to my office from seniors who are facing unlawful rent increases have more than doubled in the last year,” said BC Seniors Advocate Dan Levitt. “This is a crisis in the making if the government does not take immediate steps to ensure the Residential Tenancy Branch (RTB) is equipped with the knowledge, skills and resources to support this growing number of vulnerable seniors.”

The report provides many examples of seniors living in retirement homes being denied their basic rights to the protection of the regulated annual allowable rent increase. In some cases, the landlord has argued the RTA does not apply to the tenant. In other cases, the landlord’s position is that the RTA only applies to rent and does not apply to the mandatory monthly fees for services such as mandatory meals and housekeeping.

“The law is very clear that anything a tenant is required to pay to the landlord as part of their tenancy, whether it is for meals or a parking spot, is included as part of the rent and protected by the annual allowable rent increase,” said Levitt. “If the landlord raises any fees beyond the regulated amount, the law says tenants must be able to opt out of those fees or they form part of the tenancy agreement and are subject to cost protections.”

The report notes some seniors facing unaffordable fee increases have tried to opt out of receiving meals and weekly housekeeping, but pay their rent increase, and were issued an eviction notice by the landlord.

“When seniors try to challenge their landlord, they are often provided with conflicting and incorrect information and left to navigate the arduous, time consuming and costly process of obtaining a hearing with an arbitrator where landlords are usually represented by legal counsel,” continued Levitt. “This means that seniors are currently at risk and living without the protections that most renters in the province already enjoy. We must act now to improve the power imbalance in the landlord/tenant relationship in independent living.”

The report makes two recommendations to the Ministry of Health and Ministry of Housing:

1. The government take immediate steps to ensure the RTB consistently enforces the RTA in recognizing seniors living rental units are covered by the RTA as are any service fees they pay that are a requirement to rent their unit.
2. The government review the practices, capacity and expertise of the RTB to address the issues raised in this report regarding the intimidation and vulnerability many seniors feel when trying to address legitimate residential tenancy issues with both the RTB and landlords.

“Consumer and tenancy protections are sorely lacking in retirement homes which leaves vulnerable seniors and their families at risk of significant cost increases and even evictions if they can’t keep up with rate hikes,” said Laura Tamblyn Watts, President and CEO of CanAge, a national seniors’ advocacy organization. “Seniors deserve to know how much and when cost increases will come into effect and clear, transparent processes for resolving disputes. Without this certainty, they are at risk of losing their homes and the daily supports some seniors rely on.”

The report also highlights the unique issues related to private assisted living units. The issue of application of the RTA to residents of assisted living was raised by the Office of the Seniors Advocate in June 2023; government committed to address the issue and work is ongoing.

Read the report here: <https://www.seniorsadvocatebc.ca/reports/>.

**Quick Facts:**

- Independent living is not regulated.
- A typical mandatory service package in independent living includes two meals per day and housekeeping.
- Residents also have the option to purchase additional à la carte services, such as meal tray services, personal laundry and guest meals for an additional cost.

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The Office of the Seniors Advocate is an independent office of the provincial government with a mandate of monitoring seniors’ services and reporting on systemic issues affecting seniors. The office also provides information and referral to seniors and their caregivers by calling toll-free 1 877 952-3181, BC211, via email at [info@seniorsadvocatebc.ca](mailto:info@seniorsadvocatebc.ca), Canada Post and the OSA web site <https://www.seniorsadvocatebc.ca/>.

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