

STATEMENT

FOR IMMEDIATE RELEASE

July 11, 2024

Government to implement Advocate's recommendations on rent protections in seniors housing

VICTORIA – “On July 4, my office released a report calling on the provincial government to enforce the rent and service cost protections in the Residential Tenancy Act (RTA) for seniors in independent living facing often exorbitant fee increases.

“I am very pleased to have received written confirmation that the B.C. government agrees seniors independent living units are subject to the RTA. It also recognizes that both rent and mandatory service fees are subject to annual limits on rent increases, which need to be enforced consistently.

A letter from the Ministry of Housing states:

“...services or facilities that the tenant is required to receive and that they cannot opt out of would form part of the tenancy agreement. In these cases, the costs associated with the services and facilities would be captured under “rent” and would be subject to the rent increase provisions under the RTA, even if the services and facilities and their costs are set out under a separate agreement. Similarly, these services and facilities could only be terminated or restricted in accordance with the RTA.”

“The [Residential Tenancy Branch] RTB is updating its policy guidelines to clarify that independent living is covered by the RTA, even in residences where independent living and assisted living units are co-located. In addition, we welcome your Office's suggestions on how to best educate and communicate with seniors in independent living and housing providers about their rights and responsibilities under the RTA.”

“I was also pleased to see that the ministry will take steps to implement my recommendation to improve the RTB complaint process to reduce intimidation and vulnerability faced by many seniors when raising legitimate tenancy issues. The letter states:

“However, I recognize that there may be a power imbalance between seniors and their landlords during the dispute resolution process, especially when a landlord has legal representation.”

“The RTB has also provided additional training to its arbitrators in active adjudication. In this approach, arbitrators play a greater role in managing the hearing and aim to redress power imbalances between the parties, especially when a party is less familiar with the dispute resolution process.”

“With this confirmation it is my expectation that those landlords in seniors independent living who did not comply with the Act will now do so.

“Any tenant in seniors independent living who believes their landlord has raised their rent, including the mandatory service package, more than the allowable rent increase of 3.5% for 2024 is encouraged to contact the Residential Tenancy Branch at 1-800-665-8779 or my office at 1-877-952-3181.

“My office will be monitoring the ministry’s progress and seeking regular updates regarding implementation on behalf of the 30,000 B.C. seniors renting units in independent living residences.”

Dan Levitt
BC Seniors Advocate

Read the report - Forgotten Rights: Seniors Not Afforded Equal Rent Protection:

<https://www.seniorsadvocatebc.ca/osa-reports/forgotten-rights-seniors-not-afforded-equal-rent-protection/>

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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, via email at info@seniorsadvocatebc.ca, Canada Post and seniorsadvocatebc.ca.

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