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Bill No. 150 – *The Residential Tenancies Amendment Act, 2014*

The Chair: Next on the agenda is Bill No. 150, *The Residential Tenancies Amendment Act, 2014*. We will now consider clause 1, short title. Minister, if you have any opening remarks, you may proceed.

Clause 1

Hon. Mr. Wyant: Madam Chair, on my left, Mary Ellen Wellsch, senior Crown counsel from legislative services; and on my right, Dale Beck, director of the Office of Residential Tenancies.

Madam Chair, Bill 150 will clean up a number of areas of *The Residential Tenancies Act, 2006* that have been found over the years to be less than ideal or have become outdated. The staff at the ORT [Office of Residential Tenancies] notices issues on a regular basis that can work better for landlords and tenants, and as well there have been several judicial decisions that have made the system less effective.

In order to streamline the process, Madam Chair, numerous small but important amendments are being proposed. Many of these will benefit everyone involved in the system, including landlords, tenants, hearing officers, and staff. For example, the director will be empowered to adjourn a hearing if one or another party is not available without having to force the other party to appear. As well, hearings can be conducted electronically if that makes it more convenient for the parties. Also in this age of modern telecommunications, landlords and tenants are enabled to communicate with each other by any electronic means.

Madam Chair, these amendments provide for balance between the rights of the tenant and the rights of the landlords. For example, the amendments will provide the landlord with the power to impose reasonable rules, which is something that is now unstated. Also landlords that are hit with increased tax bills as a result of tenants' actions should have a remedy against the tenant.

The amendments will also provide a tenant with two months to relocate if the landlord is demolishing the premises or doing significant renovations, as well as to entitle the tenant to receive the entire amount of the security deposit in those situations without deduction for any damage.

Respecting the definition of a housing program replacing social housing program, it is well known that there are housing programs that do not fit within the common idea of social housing. Social housing is typically considered to be housing which is where the rent is based on the income of the tenant, but there are also affordable housing as well as programs for tenants with mental health and addiction issues. The change in definition is merely an expansion of the ability of the province to offer housing programs that fit within *The Residential Tenancies Act* and is in no way a contradiction. It includes social housing.

We have consulted extensively respecting these amendments, Madam Chair. Every landlord and tenant for whom the Office of Residential Tenancies has email addresses was contacted. Landlords' associations were consulted along with several agencies that deal with or represent tenants, such as CLASSIC, Community Legal Assistance Services for Saskatoon Inner City; Pro Bono Law Saskatchewan; and Queen City Tenants Association. We also reached out to social housing providers, other ministries, and the court.

These consultations informed our decisions and made for better policy. And with those opening remarks, Madam Chair, I welcome your questions respecting Bill 150.

The Chair: Thank you very much, Minister. Are there any comments or questions on the bill? Mr. Forbes.

Mr. Forbes: Thank you very much. Just on the last part, you were talking about the consultations. And I missed that, when you were talking about the emails, people who had provided emails. Can you just run by that sentence again?

Mr. Beck: We have an email distribution list which, last time I was informed, had 560 names on it of landlords and tenants who have signed up to get periodic updates from the Office of Residential Tenancies. So we simply distributed or used that to communicate with a large number of . . . I don't know how many were on the list at the time the distribution was made but it would be, it's certainly in the hundreds.

Mr. Forbes: How does one find out about that list? Was it on your website or was it because they were in because of a complaint?

Mr. Beck: No. On our website we have a button they can click in order to sign up for email distribution list. At both of our locations, we have a front desk form where you can just fill out a slip of paper and leave it with us to add your email to our distribution list.

Mr. Forbes: But you don't do the old post mail.

Mr. Beck: Email is way cheaper and way quicker. We found it's effective to reach a significant portion of the people who have an interest in what we do.

Mr. Forbes: Have you used it to do a survey? Have you checked . . . You know, when you have 500 names like that, it might be interesting to find out who they are. Are they tenants, landlords? Are they a wide variety of people?

Mr. Beck: They're a wide . . . In our sign-up we do ask whether they're a landlord or tenant, and I know that a significant majority of them are landlords. Some of them don't self-identify.

Mr. Forbes: Then my other question about the consultation: was there just an old-fashioned poster, an invitation to the public, anything that would give people . . . You know, I'll read this letter later, but that was going to be my last point, about somebody who's neither a tenant or a landlord but has been affected by an apartment building and has some questions. And I'll raise that later, but there are many people who are affected by what happens in residential tenancies other than tenants and landlords.

Hon. Mr. Wyant: Perhaps I can say that there was a distribution, of course, to a number of groups. I mentioned them in my opening statement, and I can read the list of the tenant groups or the advocates or the landlord groups or associations or the social housing agencies that received . . . that were asked for comments on the bill. There's quite a list of them, and I can read them into the record if you'd like.

Mr. Forbes: No, the point I'm getting at is John . . . **Hon. Mr. Wyant:** — It certainly wasn't restricted to people

that provided their email address to the office.

Mr. Forbes: Sure. I'm just curious about those who don't have a stake necessarily other than perhaps they live beside one or they have some comments. Maybe they're thinking about becoming a landlord, maybe they've had a bad experience as a tenant, but they don't belong to any of those groups now. And so they wouldn't necessarily find out about it, and that's why I'm wondering, were there advertisements? Were there anything for the public to know at large?

Hon. Mr. Wyant: To my understanding, except for the organizations that we've talked about and the people on the email list, that's who received the notice of the consultations. So I guess, to your point, there would have been some people that weren't aware of the consultation but wouldn't necessarily, from our perspective, have any kind of a relationship with the ORT either as a tenant or a landlord.

Mr. Forbes: Well I mean these folks are writing a letter, and I'll explain it later. I mean clearly they feel they have a real relationship, and they're neither landlord or a tenant. They have no one to go to, and they have some real questions. Maybe I'll read that right now just because we're on to this.

But this is a letter I just received last week on the 12th. And these people live on Avenue N South, and I'll just quote parts of it. And I quote now:

Now we realize the housing market is always a little unpredictable, but the agent told us that our neighbours, the two apartment buildings across the alley at 1320 and 1310 20th Street, are keeping buyers away due to the deplorable way they are unmaintained. We have tried in the past to talk to the owner or even the caretaker of these buildings only to find they are owned by a numbered company in Alberta and have no one here to be held accountable for damage or unruly tenants.

And the next couple of paragraphs are examples of how it's really affected the neighbourhood. But they're neither tenant or landlord — I want to make sure that that's clear — so they can't go to you. And that's what I want to find out tonight whether in the consultations this came up.

And they said, the question they ask, should it not be . . . And I quote:

Should it not be a requirement of out-of-province landlords to have a locally based property management look after the day-to-day maintenance of their buildings? We have done some investigation on our own and found this landlord is not paying their utilities either. This needs to be looked into and some standards put into place for absentee owners.

So here's somebody who's neither a landlord or a tenant, would not have known about your consultations because they would not have been . . . They are just John and Jane Q. Public, but may have been interested because they're affected by what happens. And if you happen to live along 20th or 22nd beside, you know, the apartment strips and apartment blocks . . .

Ms. Eagles: Madam Chair, could I ask that the member supply the minister with a copy of that letter?

The Chair: Okay. I think that'd be excellent because you're finished reading . . .

Mr. Forbes: I sure could.

Ms. Eagles: I think it's unfair to expect an answer from the minister when he's picking out bits and pieces.

The Chair: Okay. Excellent. We will do that, and that way the minister and his officials have the opportunity to look at it and take it as a whole.

Mr. Forbes: Yes, for sure.

Hon. Mr. Wyant: Well perhaps let me just respond to that because we've obviously never seen a copy of the letter nor has anyone . . . nor has Mr. Beck at the Office of the Residential Tenancies.

But I think it's fair to say that if complaints like this or concerns like this are expressed to the Office of the Residential Tenancies, then that gives the opportunity for the Office of the Residential Tenancies to give some consideration to it and include that as part of a consultation. So not having a specific incidence on his desk in terms of a complaint really doesn't give an opportunity to have any kind of consultation at all.

So if that letter comes to the Office of the Residential Tenancies, Mr. Beck has an opportunity to consider it, has an opportunity to consider it in the context of any discussions that he's having with landlord associations or tenant associations. And if, as a result of those discussions and that dialogue, that results in some suggestions in terms of change in the legislation, that's the process that we should follow.

So while there's nothing in the amendments that have been brought forward today that address that particular point, I think the answer to it is that the issues were never brought to the attention. And certainly in the context of changes to the Act around landlords' and tenants' responsibilities, that's really what we're getting to. But once we have a copy of the letter, Mr. Beck will consider that. And I'm sure he'll bring it to the attention of landlord associations and tenant associations, as he would through the course of a normal dialogue, and perhaps bring some legislative changes forward as a result of it.

Mr. Forbes: My point, and I think you're making my point, this is I think the third time that I've been the Housing critic. And we've seen amendments to *The Residential Tenancies Act*, and we see stakeholders being consulted. And fair enough, that's good. But the public has an interest too. The people who live within a proximity of major apartment buildings, clearly that's part of their life and they might have an opinion. And I think it's only reasonable to put an advertisement in the paper and say, we're doing some amendments here. What do the neighbours think, you know?

And so I'm not quite finished, Mr. Minister. I want to make sure that my question here to the director . . . How many times would you get letters from people who are neither tenants or landlords who have come to you for assistance?

Mr. Beck: It's not common. It does happen.

Mr. Forbes: It does happen?

Mr. Beck: Yes.

Mr. Forbes: So my case is, the public should know. At the end of the day, it's a publicly funded operation, the ORT, and I think everybody has a right to have an opinion about that, and not just the stakeholders. It's a publicly funded office which does good work, and that's my case, as well as consultation.

Hon. Mr. Wyant: You know, not to belabour the point, Mr. Forbes, but the amendments

that are being brought forward today specifically was a result of consultations from issues that were brought forward by landlords and tenants. This is not a full consultation with respect to a complete review of *The Landlord and Tenant Act*. That's not something that we're currently contemplating.

But as I mentioned before, when these kinds of complaints come forward, if they lead to a further discussion, then perhaps the legislation needs to be opened up and given full consideration to. That's when a full consultation would happen in respect of the entire Act.

These changes are a result of dialogue between landlords and tenants to help the Act work better for landlords and tenants. So we'll certainly take this letter under advisement and give some consideration to it through the Office of Residential Tenancies and Mr. Beck's office, and I think that that's the best that you can expect.

Mr. Forbes: In terms of the letter, will you respond to the people who've written the letter?

Mr. Beck: We'll respond in some way to them. Typically I would have one of the inquiry clerks give them a call and have a conversation with them about what can be done, or I may call them myself depending on what's appropriate.

Mr. Forbes: Thank you very much.

Mr. Beck: I'm looking to see if there's a telephone number on this. There's an email address, so that's how we'd contact them.

Mr. Forbes: Yes. I will let them know that I shared this letter directly with you and that they'll be expecting either a phone call or some communications. Thank you very much for that.