

April 9, 2020

Rent (non) payment

I'm advising my clients to send a letter to partial or non-paying tenants to the effect that, "You are required to pay your rent in full on time. Failing to do so places your tenancy at risk." I got confirmation from the Residential Tenancy Branch today that a 10 day Notice issued before the Emergency Order was issued can still be enforced; the tenancy has ended. The direct request claim can be for the full amount of unpaid rent.

If a tenant doesn't pay rent for 2 or 3 months, you can still file for a monetary order. What a lot of people don't know is if a tenant doesn't comply with an arbitrator's order, the tenancy can be ended and that is not one of the eviction restrictions. However, you wouldn't be able to get a writ of possession until the Emergency Order is lifted.

If tenants ask to make arrangements to defer rent until they receive a government supplement(s), you should definitely ask for proof that they have applied for the funding. Both the feds and BC have application forms.

It is important is for the tenants to know they still must pay full rent and there are rental supplements available to allow them to do so. For the BC \$500, as it is paid to the landlord, both the landlord and the tenant have to submit applications. The tenant applies first, following which BC Housing will email the landlord asking for her/him to complete an application.

You should explain to the tenants that if they have lost their jobs or had their hours significantly reduced, they can apply to the BC government for up to \$500 per month for 3 months that goes toward rent (paid to you). If they have lost their jobs, they can apply to the Federal government for up to up to \$500 per week for 16 weeks that they can use for rent and other expenses. These supplements are retroactive to March 15. There is also a one-time BC payment of \$1000 called the Emergency Benefit for Workers. Details of how to apply for this have not been released yet.

Updated Rent Supplement Information

Here's the latest info on how to apply for the various supplements:

The federal application portal opened April 6 - go to Canada.ca. The application is through the Employment Insurance program.

The provincial \$500 per month application site opened April 9 - Google BC Housing/COVID-19.

Google **Emergency Benefit for Workers** to subscribe to be notified when applications open for the \$1000 payment.

Rent Increases

You should still issue Notices of Rent Increase on schedule, e.g. this month for an increase effective August 1. Attach a note stating that the increase will be effective the later of August 1 or the lifting of the Emergency Order. You will not be able to apply the increase retroactively.

That way, when the Emergency Order is lifted, the Rent Increase will come into effect without having to issue another notice, or wait another three months. (I've confirmed this with the Residential Tenancy Branch.)

"What happens after . . .?"

I'm getting many questions that start that way. We have to recognized Governments are so wrapped up now – and will be for several weeks at least - dealing with managing the crisis, getting money flowing, etc. that there are no answers yet. I'll keep sending you these emails whenever I get new information.