

TENANCY STATUTES AMENDMENT ACT, 2018**CHAPTER 11***Assented to May 17, 2018*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Manufactured Home Park Tenancy Act

1 *Section 42 (2) of the Manufactured Home Park Tenancy Act, S.B.C. 2002, c. 77, is repealed and the following substituted:*

(2) A notice to end a tenancy under this section must end the tenancy effective on a date that

(a) is not earlier than 12 months after the date the notice is received, and

(b) is the day before the day in the month, or in the other period on which the tenancy is based, that rent is payable under the tenancy agreement.

2 *Section 43 (1) is amended by striking out “periodic”.*

3 *Section 44 is amended*

(a) *in subsection (1) by striking out “an amount that is equivalent to 12 months’ rent payable under the tenancy agreement” and substituting “the amount prescribed under section 89 (2) (q.1)”*,

(b) *in subsection (2) by striking out “an amount that is the equivalent of 6 times the monthly rent payable under the tenancy agreement” and substituting “the amount prescribed under section 89 (2) (q.2)”, and*

(c) *by adding the following subsection:*

(3) The director may excuse the landlord from paying the tenant the amount required under subsection (2) if, in the director’s opinion, extenuating circumstances prevented the landlord from accomplishing the stated purpose for ending the tenancy under section 42 within a reasonable period after the effective date of the notice.

4 *The following section is added:*

Additional tenant's compensation: section 42 notice

- 44.1** (1) A tenant may make an application for dispute resolution to request an order for compensation in addition to the amount payable under section 44 (1) if
- (a) a landlord gives the tenant notice to end a tenancy under section 42 [*landlord's use of property*],
 - (b) only in the circumstances prescribed in the regulations, the manufactured home is not capable of being moved before the tenant is required to vacate the manufactured home site at the end of the tenancy, and
 - (c) the most recent assessed value of the manufactured home, as determined under the *Assessment Act*, is greater than the amount prescribed for the purposes of section 44 (1).
- (2) If the director is satisfied that, in the circumstances prescribed for the purposes of subsection (1) (b), the manufactured home is not capable of being moved before the tenant is required to vacate the manufactured home site at the end of the tenancy, the director may order the landlord to pay to the tenant compensation equivalent to the amount by which the most recent assessed value of the manufactured home, as determined under the *Assessment Act*, is greater than the amount prescribed for the purposes of section 44 (1).

5 *Section 89 (2) is amended by adding the following paragraphs:*

- (f.1) prescribing the circumstances in which a landlord may not claim reimbursement from a tenant if the proceeds from disposing of a manufactured home abandoned by the tenant are not sufficient to reimburse the landlord for the cost of disposition, or satisfy any other amount payable to the landlord, as provided for in a regulation made under paragraph (e) or (f);
- (q.1) prescribing an amount as compensation payable under section 44 (1), which amount may not be more than the monetary limit for claims under the *Small Claims Act*;
- (q.2) prescribing an amount as compensation payable under section 44 (2), which amount may not be more than the monetary limit for claims under the *Small Claims Act*; .

Residential Tenancy Act

6 *Section 49 of the Residential Tenancy Act, S.B.C. 2002, c. 78, is amended*

(a) *by repealing subsection (2) and substituting the following:*

- (2) Subject to section 51 [*tenant's compensation: section 49 notice*], a landlord may end a tenancy

- (a) for a purpose referred to in subsection (3), (4) or (5) by giving notice to end the tenancy effective on a date that must be
 - (i) not earlier than 2 months after the date the tenant receives the notice,
 - (ii) the day before the day in the month, or in the other period on which the tenancy is based, that rent is payable under the tenancy agreement, and
 - (iii) if the tenancy agreement is a fixed term tenancy agreement, not earlier than the date specified as the end of the tenancy, or
 - (b) for a purpose referred to in subsection (6) by giving notice to end the tenancy effective on a date that must be
 - (i) not earlier than 4 months after the date the tenant receives the notice,
 - (ii) the day before the day in the month, or in the other period on which the tenancy is based, that rent is payable under the tenancy agreement, and
 - (iii) if the tenancy agreement is a fixed term tenancy agreement, not earlier than the date specified as the end of the tenancy. ,
- (b) *in subsection (7) by striking out “section 52 [form and content of notice to end tenancy]” and substituting “section 52 [form and content of notice to end tenancy] and, in the case of a notice under subsection (5), must contain the name and address of the purchaser who asked the landlord to give the notice”, and***
- (c) *by repealing subsection (8) and substituting the following:***
- (8) A tenant may dispute
 - (a) a notice given under subsection (3), (4) or (5) by making an application for dispute resolution within 15 days after the date the tenant receives the notice, or
 - (b) a notice given under subsection (6) by making an application for dispute resolution within 30 days after the date the tenant receives the notice.

7 *Section 51 (2) is repealed and the following substituted:*

- (2) Subject to subsection (3), the landlord or, if applicable, the purchaser who asked the landlord to give the notice must pay the tenant, in addition to the amount payable under subsection (1), an amount that is the equivalent of 12 times the monthly rent payable under the tenancy agreement if
 - (a) steps have not been taken, within a reasonable period after the effective date of the notice, to accomplish the stated purpose for ending the tenancy, or
 - (b) the rental unit is not used for that stated purpose for at least 6 months’ duration, beginning within a reasonable period after the effective date of the notice.

Section 8

- (3) The director may excuse the landlord or, if applicable, the purchaser who asked the landlord to give the notice from paying the tenant the amount required under subsection (2) if, in the director's opinion, extenuating circumstances prevented the landlord or the purchaser, as the case may be, from
- (a) accomplishing, within a reasonable period after the effective date of the notice, the stated purpose for ending the tenancy, or
 - (b) using the rental unit for that stated purpose for at least 6 months' duration, beginning within a reasonable period after the effective date of the notice.

8 *The following section is added:*

Tenant's compensation: requirement to vacate

- 51.1** (1) Subject to subsection (2) of this section, if a fixed term tenancy agreement includes, in a circumstance prescribed under section 97 (2) (a.1), a requirement that the tenant vacate the rental unit at the end of the term, the landlord must pay the tenant an amount that is the equivalent of 12 times the monthly rent payable under the tenancy agreement if
- (a) steps have not been taken, within a reasonable period after the date the tenancy ended, to satisfy the prescribed circumstance, or
 - (b) the rental unit is not used in a way that satisfies the prescribed circumstance for at least the period of time prescribed under section 97 (2) (a.2), beginning within a reasonable period after the date the tenancy ended.
- (2) The director may excuse the landlord from paying the tenant the amount required under subsection (1) if, in the director's opinion, extenuating circumstances prevented the landlord from
- (a) satisfying, within a reasonable period after the date the tenancy ended, the prescribed circumstance, or
 - (b) using the rental unit in a way that satisfies the prescribed circumstance for at least the period of time prescribed under section 97 (2) (a.2), beginning within a reasonable period after the date the tenancy ended.

9 *The following sections are added:*

Right of first refusal

- 51.2** (1) In respect of a rental unit in a residential property containing 5 or more rental units, a tenant who receives a notice under section 49 (6) (b) is entitled to enter into a new tenancy agreement respecting the rental unit upon completion of the renovations or repairs for which the notice was issued if, before the tenant vacates the rental unit, the tenant gives the landlord a notice that the tenant intends to do so.

- (2) If a tenant has given a notice under subsection (1), the landlord, at least 45 days before the completion of the renovations or repairs, must give the tenant
 - (a) a notice of the availability date of the rental unit, and
 - (b) a tenancy agreement to commence effective on that availability date.
- (3) If the tenant, on or before the availability date, does not enter into a tenancy agreement in respect of the rental unit that has undergone the renovations or repairs, the tenant has no further rights in respect of the rental unit.
- (4) A notice under subsection (1) or (2) must be in the approved form.

Tenant's compensation: no right of first refusal

- 51.3** (1) Subject to subsection (2) of this section, if a tenant has given a notice under subsection (1) of section 51.2, the landlord must pay the tenant an amount that is the equivalent of 12 times the monthly rent payable under the previous tenancy agreement if the landlord does not comply with section 51.2 (2).
- (2) The director may excuse the landlord from paying the tenant the amount required under subsection (1) if, in the director's opinion, extenuating circumstances prevented the landlord from complying with section 51.2 (2).

10 *Section 58 is amended by adding the following subsection:*

- (0.1) In this section, "**landlord**" includes a purchaser as defined in section 49 who, under section 49 (5) (c), asks a landlord to give notice to end a tenancy of a rental unit.

11 *Section 97 (2) is amended by adding the following paragraph:*

- (a.2) prescribing the minimum period of time for which a circumstance prescribed under paragraph (a.1) must be satisfied; .

Transitional Provisions

Manufactured Home Park Tenancy Act transition – section 42 notice

- 12** (1) The amendments made by this Act to the *Manufactured Home Park Tenancy Act* do not apply in relation to a notice given under section 42 (1) of that Act to end a tenancy agreement if the notice is received by the tenant before the date this section comes into force.
- (2) The *Manufactured Home Park Tenancy Act*, as that Act read immediately before the date this section comes into force, continues to apply in relation to a notice given under section 42 (1) of the Act that is received before the date this section comes into force.

Section 13

Residential Tenancy Act transition – section 49 notice

- 13** (1) The amendments made by this Act to the *Residential Tenancy Act* do not apply in relation to a notice given under section 49 of that Act to end a tenancy agreement if the notice is received by the tenant before the date this section comes into force.
- (2) The *Residential Tenancy Act*, as that Act read immediately before the date this section comes into force, continues to apply in relation to a notice given under section 49 of the Act that is received before the date this section comes into force.

Commencement

- 14** The provisions of this Act referred to in column 1 of the following table come into force as set out in column 2 of the table:

Item	Column 1 Provisions of Act	Column 2 Commencement
1	Anything not elsewhere covered by this table	The date of Royal Assent
2	Sections 1 to 5	By regulation of the Lieutenant Governor in Council
3	Section 8	By regulation of the Lieutenant Governor in Council
4	Section 12	By regulation of the Lieutenant Governor in Council