
***SUPPORTIVE HOUSING AND CHANGES TO THE RESIDENTIAL
TENANCY ACT'S REGULATIONS***

On January 18, 2024 the province announced new changes to the Residential Tenancy Act's (the "RTA") Regulations would be coming with respect to supportive housing.¹ These changes are made, the province says, with the intention to provide increased safety for staff and tenants living in supportive housing.

What does this mean for supportive housing providers? For the most part, the changes will hopefully make it easier for supportive housing buildings to remain viable and promote building and tenant security. The specific changes to the law have not been released and will not be announced until February 28th. However, the Province has given us some general information on what changes are to come.

Supportive Housing was always and will continue to be under the RTA

There will be no major changes to the RTA itself. Supportive housing providers, unlike hospice care or housing provided at designated health facilities, were and will continue to remain under the RTA. You read that right. The RTA never provided any exceptions for supportive housing providers except from the standard rent increase provisions if the supportive housing provider was operated by BC Housing or the province. Tenants in supportive housing buildings always had the same rights as those renting in market rate buildings. This was something recognized by the court, who found that certain security measures and policies that supportive housing providers had in place were illegal under the RTA as they infringed tenant's rights under the Act.²

What are the proposed changes?

We will not know the exact changes to the RTA's Regulations until they are released on February 28th. However, the province has indicated that the following changes will be coming:

¹ The Province's news release can be found here: <https://news.gov.bc.ca/releases/2024HOUS0007-000053>.

² See *Atira Property Management v. Richardson*, 2015 BCSC 751 and *PHS Community Services Society v. Swait*, 2018 BCSC 824.

- Supportive housing providers will be permitted to have restrictions prohibiting guest access. Meaning, supportive housing providers will be able to more closely manage, track and restrict who enters the building and this will no longer be seen as a violation of a tenant's right to privacy or guests.
- Wellness checks with less or perhaps no notice to enter provisions that the RTA require will be permitted.

What will not change is that:

- Supportive housing tenants can still file dispute with the Residential Tenancy Branch.
- Supportive housing landlords must follow the eviction process and issue notices to end tenancy in compliance with the RTA.
- Supportive housing providers are still exempt from the standard rent increase limits that are imposed on market-rate landlords if under a government program.

How will these changes help?

Proponents of the changes say that they will strike a better balance between tenant's rights and autonomy with the reality of heightened safety and security risks associated with supportive housing. The changes will allow the normalization and implementation of safety and security measures and tenant policies that are mandated by supportive housing operating agreements such as:

- requiring guests to sign in and be escorted to and from a tenant's suite; and
- allowing landlords to conduct wellness checks with little or no notice to enter a unit,

All of which arguably promotes safety and security.

Supportive housing is and continues to be a valued sector. The proposed changes may create a safer work place and greater tenant safety.

BY RIPAN HANS

February 2024

This article is for general information purposes only and does not constitute legal advice. Every situation is unique and readers are encouraged to seek out the advice of a lawyer when implementing the strategies suggested in this article.