

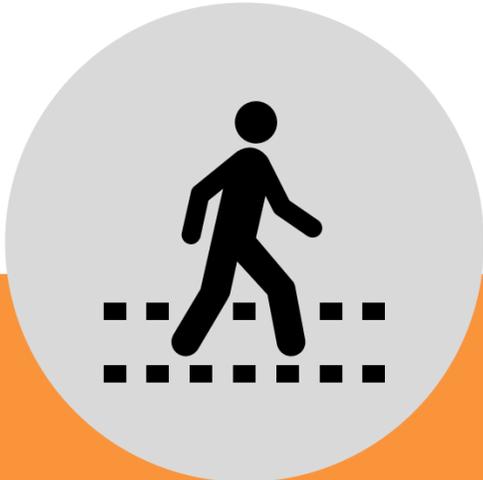
APRIL 4, 2019
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**INTERRUPTING
EVICTIONS:**
**comparing provincial
landlord-tenant eviction
policies from a
preventative lens**

MISSION  OLD BREWERY

OLD BREWERY MISSION EVICTION STATISTICS

MARCH 2018-MARCH 2019 (REPORTED SAMPLE)



VOLUNTARY
DEPARTURE

40.3%



END OF LEASE

1.3%



EVICTED

50.6%

N= 77
*6.5% refused the question

THE PROJECT

- What do other provinces do?
- What do other advocates think?
- How can we refine our prevention methods? What are the gaps in understanding?
- How do we start thinking about housing as a human right?



THE METHODOLOGY

Interviews with tenant housing advocates in Montreal, Toronto and Vancouver

WHAT WE KNOW (OR THINK WE KNOW) IN HOMELESSNESS ABOUT EVICTION

- That it's measurable (Paradis & Heffernan 2016)
- That its the responsibility of governments to address (and measure) eviction (Gaetz et al. 2018)
- Eviction is often narrowly defined as "a process defined by provincial or territorial landlord/tenant legislation" (Gaetz 2018)
- Given the psychosocial conditions of our users we don't often entertain that the eviction was not warranted





LUXURY = DISPLACEMENT

**RETHINKING
EVICTION:
DISPLACEMENT
=EVICTION**

EVICTIION TYPES

- Non payment of rent/complaints
- Rent increases
- Renovictions/Demovictions
- Repossession



BRITISH COLUMBIA



- Landlords can issue a ten day eviction notice if tenant is late or short on rent. This is applicable the moment the tenant fails to pay the entirety of the rent.
- A landlord can issue a one months notice if the tenant poses issues (i.e. is being destructive, regularly pays rent late, is a nuisance to other tenants)

ONTARIO



- Landlords can give a written notice to a tenant as soon as the rent is late; the notice gives the tenant 14 days to pay up. After this point the landlord can file at the Landlord Tenant Board.
- A landlord can evict the tenant for frequent late payments at the end of a lease
- Notices and terms for eviction in the case of damage or hinderance against the peaceful enjoyment of the dwelling are sent minimum 20 days in advance

QUEBEC



- Landlords can file as of the second if rent is late, if the rent arrives before the hearing the tenant can stay
- Frequent late payments are grounds for eviction
- Any claim against the peaceful enjoyment of the dwelling can be grounds for eviction

**Non
payment of
rent/
complaints**



Rent increases



BRITISH COLUMBIA

- Fixed rate (2.5%)
- Above guideline increases: pre-approved amounts set by residential tenancy branch
- Fixed Term Leases



ONTARIO

- Fixed rate (2.5%)
- Above guideline increases: pre-approved amounts set by landlord-tenant board



QUEBEC

- Relative rent increase (based on taxes, renovations, etc.) that tenant can contest
- Tenant must know/be empowered to contest an amount
- Régie du logement (RDL) offers a suggested increase rate every year



BRITISH COLUMBIA

- Four month notice for landlord use of property
- Compensation: one months rent
- No oversight of scale of renovations
- Demovictions: zoning and speculation leading to increased large plot purchases and demolition of buildings (& lack of maintenance)



ONTARIO

- Two month notice for landlord use of property
- Compensation: one months rent
- Displacement generally occurs following the renovations when the rent is increased dramatically



QUEBEC

- Tenants have the right to occupy their dwelling following a displacement for renovations (tenant must know this)
- Tenant needs to absorb rent increase relative to renovation costs in the next lease year

Renovictions/ Demovictions



Repossession



BRITISH COLUMBIA

- Landlords can reposses with 2 months left to the lease
- Compensation: one month's rent (must contest within 15 days of receiving notice)
- Tenant gets two months compensation if they find it was in 'bad faith'



ONTARIO

- Landlords can reposses with 60 days left to the lease and a simple affidavit from a family member saying they're moving in
- Compensation: one month's rent
- Tenant gets no fixed compensation if they find it was in 'bad faith'



QUEBEC

- A landlord informs a tenant that they plan to move into the unit six months before the end of the lease; tenant technically does nothing to contest
- Compensation: what the RDL decides (generally moving costs)
- Burden of proof & legal action on the tenant

Prevention & Policy Lessons

IDENTIFY CONTESTATION METHODS

Don't assume that it's a lost cause or that it's inherently your client's fault that they are being evicted. Listen to the full story and get help to identify the legal nuances in their situation. On a policy level, a contested eviction is a recognized one.

ENCOURAGE A PAPER TRAIL

No matter where you go the burden of proof is generally on the tenant. Encourage your clients to have a paper trail and help them organize their paperwork; this will help their legitimacy in court.

ARGUE FOR TENANTS RIGHTS

Understanding local eviction causes and mechanisms makes it easier to understand what could make them better. Arguing for better and clearer rights is helping prevent evictions.

INFORM YOUR CLIENTS

Taking the time to understand policies and the pitfalls associated with them is important for your clients. Even if someone has been evicted explaining the process to them can prevent it from happening again.