

**From:** Dave and Annette

**Sent:** Thursday, January 28, 2010 9:23 PM

**Subject:** Landlord and Tenant Act review

Dear Sir:

We are landlords in Whitehorse as well as members of the Residential Landlord Coalition. We are aware of the Select Committee on the Landlord and Tenant Act and have several comments to make in this regard. We feel the Landlord and Tenant Act as it stands is not an unworkable piece of legislation and is in fact with only a few minor changes, a fair and equitable document to all concerned.

The biggest problem is not the legislation but the fact that most tenants and many landlords do not understand the Act as it is. This of course is not the fault of the Act.

We have become aware that several parties who have or will submit briefs to the Select Committee are doing so not from the perspective of either landlords or tenants but rather from a socialistic standpoint.

We have reviewed a possible brief from the Yukon Status of Women Council and find it to be totally ludicrous, as well as not factual.

In it they state on page 66 that landlords can evict tenants in 14 days without cause. The present Act does not allow this, but does allow for eviction in 14 days for "substantial breach". Another part of the report states that landlords are being prejudiced or racist by not allowing children or pets in their rental units. We are entitled to evaluate who is suitable or not as a tenant in our property. Animals can cause extensive damage, allergies, etc. and some properties require quietness for the benefit of other tenants. There are other misinterpretations as well. Overall this report is only a "poor me" thing and has very little if anything to do with the Landlord and Tenant Act.

It must be pointed out that the private sector is not responsible to provide "social" housing. The Status of Women Council group as well as the Anti-Poverty coalition must realize that we as landlords are in a business and have major investments in our properties and can not and will not supply housing to people because it is "expected" of us.

There are sections in the present act which do require changes both for the protection of tenants and the moral obligations of landlords.

Section 73 par. (c) -- should be changed to "require some notice" before entering to show the property. As it stands the landlord can enter any time they wish after notice has been given.

Section 63 Regarding security deposits. As it stands the security deposit can be used for the last months rent. If this is the case then there is no actual security deposit left to pay for damages and other amounts owing should there be any. This section is very contradictory and leaves the landlord with no security.

Section 64 (4) Not likely the tenant will agree with the retention of the deposit.

These are only a few of the sections which may require revision.

As it stands now the tenant actually has more rights than does the landlord.

There has also been mention of such things as not allowing for late payments. My bank, Visa or any other payments that I have contracted for do not look kindly on me being late with my payment and there are always penalties for doing so.

Other things they indicate to be unfair, like not being allowed to evict people during the winter is totally unacceptable. I and most other landlords could not afford to provide free housing, which it would turn out to be, for three or four or more months. This would turn into a game that unscrupulous tenants would play every winter. People have always arranged to move quite conveniently in the winter months by backing up a truck to the door and putting stuff into it. Not much different than in the summer months.

We have our own horror stories of tenants who have destroyed a home in a short period of time and whom we have had to evict. This has cost us many thousands of dollars and hours of our time.

These are only a few of the concerns we have however; there are many more which could be mentioned.

Most tenants are good and any landlord who respects their own property would be happy to have them. The problem tenants and the problem landlords are at the root of call for this review. Overall the present act works well for those who know its terms and are willing to live by the terms. Presently the tenants have possibly more rights than do the landlords.

It must be remembered that we have invested hundreds of thousands of dollars in our properties and we must retain the right to ensure that these properties provide some return on the investment. We already pay taxes and these taxes are what are supposed to be used for providing "social housing". Social housing should not be the expectation of being the responsibility of the private sector.

I look forward to the proposed Public Consultations that are to be a part of this review.

The old adage "if it ain't broke don't fix it" definitely holds true here.

Dave Avoleo