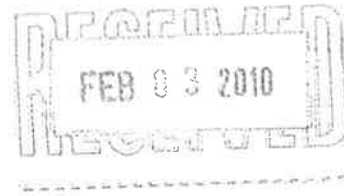


January 29, 2010

Select Committee on the Landlord and Tenant Act
Yukon Legislative Assembly Office
P.O. Box 2703 (A-9)
Whitehorse, Yukon
Y1A 2C6



Dear Select Committee Members,

Please regard this letter as my personal input as an individual landlord in the Yukon. I also belong to the Residential Landlord Coalition.

I think I am like most small business owners in the territory who have every reason to provide good service in return for a small profit. If my price is too high people will not buy it. If my price is too low, I am a 'poor' business person.

I have a rental property. I invest in my rental property and keep it well maintained. I have a reasonable expectation that I may charge a rent that will provide me with a reasonable return on my personal investment.

The existing Landlord and Tenant Act has worked well for me, and my tenants, over the past 17 years. That the Act needs clarification in some areas is not in dispute and I strongly believe that "housekeeping" measures on the existing Landlord and Tenant Act (LTA) would best serve both tenants and landlords. I do not support the idea of an entirely new Act.

The areas of clarification with the existing LTA that I, and my tenants, would benefit from are:

"security deposit" means money or any property or right paid or given by a tenant of residential premises to a landlord or the landlord's agent or to anyone on the landlord's behalf to be held by or for the account of the landlord as security for the performance of an obligation or the payment of a liability of the tenant or to be returned to the tenant on the happening of a condition; « *dépôt de garantie* »"

Is it last months' rent? Is it a damage deposit? What does "security" mean? If the tenant wants to have it considered as the last month's rent, what security do I have if the rental premises is damaged beyond the normal wear and tear by the tenant and requires expensive repairs before re-rental?

As to the **interest** to be paid on the security deposit, well quite frankly I find it ridiculous. A flat interest rate (2%) should be set against the amount which could be payable either at the end of the tenancy agreement or on a yearly basis.

Dispute resolution is a matter that can be taken to court as a last resort. A handbook that **clearly leads** both landlord and tenant through the court process (including court document form examples in order of filing dates) would be extremely useful.

Landlords must maintain the right of eviction in winter months when willful or outright negligent property damage occurs. **For example:** A tenant, whose rental

agreement clearly states that water lines, water pump and water tank must not be allowed to freeze, (with the exception of an extended power outage), leaves their rental property in the winter without provision of heat and has not drained the water tank and water lines, drained and unplugged the water pump and allows them to freeze and break thereby causing extensive damage to the premises, must be cause for a winter eviction.

I recognize and condemn landlords and tenants alike who abuse the law and cause hardships, but it *seems*, at this point in time, that those of us who offer clean, safe and sound rental properties are being grouped in with a few landlords who are breaking the law(s) and quite frankly I **strongly object** to the impression (as the NDP ***seem*** to support) that I, as a landlord, am somehow responsible for and associated with the lack of good housing for the underprivileged in our society.

There appears to be a lack of **enforcement of existing laws** in relation to underprivileged people, for a myriad of reasons, with regard to rental properties and especially the provision of government social housing to underprivileged people. Perhaps a full and stringent review of enforcement, protocol and mandate is in order?

I believe that accurate information is the most powerful tool anyone can have and it would be a wise use of government resources to produce factsheets/handbooks (and mail them to every household in the territory) that **clearly** explain the existing legal rights of both the landlord and tenant. Legal interpretation of any Act is a complex matter and is beyond the ability of a lot of well educated people, let alone someone who may not be well educated.

Regular (in camera) (4 times a year?) provision of workshops by government (enforcement?) personnel **within** the settings of shelters and NGO's, who endeavor to help the underprivileged, may go a long way in supporting the legal rights of abused tenants. Regular legal information workshops in NGO settings could help to educate: those who feel powerless to help themselves, illiterate people who cannot read factsheets, transient people and the homeless.

Perhaps the appointment, by government, of a pro-bono court officer(s) who could work **outside** of the physical government buildings &/or law offices to confidentially assist the underprivileged **on their turf** with legal process, in the communities and Whitehorse, would be a supportive and cost effective initiative.

I thank you for the opportunity to submit my comments to you and for your consideration of them.

Sincerely,



Andrea Lemphers
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