



**Blood Ties Four Directions Centre
Submission to
Yukon Legislative Assembly
Select Committee on the Landlord Tenant Act**

September 2010

Blood Ties Four Directions Centre is a charitable, non-profit organization with a mandate to promote awareness and prevention education for HIV/AIDS and Hepatitis C. We also provide support, counseling and advocacy for those affected by HIV/AIDS, Hepatitis C as well as those highly vulnerable to infection. We serve all Yukon communities. Blood Ties' membership, the board of directors, and volunteers are drawn from members of the HIV/AIDS and Hepatitis C communities as well as committed, caring members of the general public.

We have been providing HIV education and support since 1993. In 2001, we started providing Hepatitis C education and support along with our HIV/AIDS mandate and became Blood Ties Four Directions Centre to reflect this purpose. Today, Blood Ties continues to provide comprehensive education and support services.

Recently, we have added a part-time Housing Navigator to our client services offering. Our reason for doing so is because the housing environment in Whitehorse is difficult for many of our clients to navigate. The Landlord Tenant Act is a particularly cumbersome document for many of our clients to understand and they often ask Blood Ties to advocate on their behalf. Furthermore, many of our clients have reported that the Act is tipped heavily in favor of landlords. Eviction without cause has been a frequent experience for many of our clients.

There is an acute need for affordable, safe, and adequate rental accommodation in Yukon combined with a Landlord Tenant Act that is understandable for all and with equitable rights and responsibilities for both Landlords and Tenants.

We would like to encourage you to keep in mind when revising/ revisiting the Act that some people in the rental market have low literacy skills, disabilities, low or fixed incomes and lack resources to negotiate a confusing housing landscape.

Similar to the submission made by the Yukon Anti-Poverty Coalition (YAPC) in March 2010, Blood Ties agrees that the Act is not user-friendly and needs to be written in plain language.

Furthermore, we agree with YAPC that ... "The practice used in a number of recent pieces of Yukon legislation of including a preamble or statement of the purpose of the legislation would be helpful. It is important to set a tone of why this legislation exists and what it is trying to do. It would be useful to have in writing that the intent of the Act is to treat all parties with fairness and balance, that everything included in the Act falls within the Charter of Human Rights and that the intent is to have a balanced piece of legislation that is easily interpreted and enacted."

A clear statement of Rights and Responsibilities for both Landlords and Tenants written in plain language would be valuable for all parties and would go a long way to reducing barriers to housing for marginalized populations.

Blood Ties echoes YAPC's recommendations regarding furthering the role and prominence of the Rental Officer. We also believe that this office is poorly understood by our clients and is underutilized. The Rental Officer role could be a tremendous service offering for tenants in terms of offering advice, advocacy and assistance negotiating with Landlords. Tenants and Landlords need to feel that the Rental Officer is objective and is there to ensure that the rights and responsibilities of all parties are respected.

Blood Ties is also concerned with the lack of housing standards in Yukon. Many of our clients are living in poor living conditions and paying very high rental prices for those premises. Many of the places our clients live are substandard, overcrowded, and unsafe. These places do not meet common standards of adequacy including being safe, clean, having all features and appliances in working order, etc. We respectfully request that you write into the Act basic minimum living standards that are clear, easy to understand, tangible and enforceable.

On the issue of Evictions, Blood Ties again endorses the YAPC March 2010 submission as follows:

"Termination of a tenancy by eviction is the biggest fear or risk for tenants.

While we understand that there may be a wide range of circumstances that give rise to a landlord-initiated termination of tenancy or eviction, it is important that these circumstances be defined. Eviction without cause is not acceptable. Eviction with spurious cause is equally unacceptable.

Eviction for causes related to tenant behaviour should be spelled out in the legislation. The cause must be substantive (e.g chronic failure to pay rent on time, or significant damage caused by the tenant and not repaired in a timely manner, or frequent noisy parties despite warnings). Causes which are personality-based ("I don't like you") or which are illegal (discrimination under human rights legislation) must not be allowed. Tenants must receive defined reasonable notice of the eviction. Tenants must also be given reasonable opportunity to remedy the action leading to the eviction, usually by written warning and stipulation of the required remedy.

Landlords should certainly have the right to evict tenants for reasons other than non-performance of their responsibilities (putting a building to another use, major renovations, etc.) but the Act should clearly stipulate a requirement for notice in such cases."

And

"There must also be due process laid out in the legislation that the landlord or the tenant can follow. If the process is not followed, there must also be repercussions laid out in the legislation so that every party to the legislation is clear of their rights and responsibilities."

Blood Ties encourages careful consideration of how rent increases and rental rates are managed. Currently we do not have a cap on rent increases. Therefore, while tenants are protected from a rent increase in their first year of residency, there is no further protection that after a year their rent may increase prohibitively. We respectfully request that rental increase caps be added to the Act.

Respectfully submitted,



Patricia Bacon
Executive Director