

# Submission to the Select Committee on the Landlord and Tenant Act

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Lois Moorcroft  
Mount Lorne

I write in support of revising the Yukon's Landlord and Tenant Act to modernize its language, principles, and the substance of the legislation.

Language is important. In 1963, the Yukon legislature repealed the Masters and Servants Act; and the Labour Practices Ordinance became the Employment Standards Act in 1985. I think it's time now, in 2010, for the law to reflect the nature of a business and legal transaction between landlords and tenants in the Yukon, by enacting a Residential Tenancy Act. The Residential Tenancy Act also needs to be written in plain language so that it is easy for landlords, tenants, and the public to understand it.

The Residential Tenancy Act should recognize the principle that housing is a human right. Canada has ratified the Universal Declaration on Human Rights, the Covenant on Economic, Social and Cultural Rights and the Convention on the Elimination of all forms of Discrimination Against Women. Each of these international covenants recognizes that housing is a human right. As signatory to these covenants, Canada's and Yukon's governments have a responsibility to enact laws that respect, protect and fulfill those human rights obligations according to UDHR, ECOSOC, and CEDAW.

Yukon's *Human Rights Act* recognizes that respect for human rights is a fundamental part of Canada's heritage. Yukon's new Residential Tenancy Act should include sections that state that the Yukon Human Rights Act applies to residential tenancies, and that housing is a human right. The *Human Rights Act* prohibits discrimination "in connection with any aspect of the occupancy, possession, lease, or sale of property offered to the public;" and the Residential Tenancy Act should recognize the paramountcy of the *Human Rights Act*.

A new Yukon Residential Tenancy Act, to be fair, would clearly lay out the rights and obligations of landlords and of tenants. It would define who it applies to. It would balance rights and protections for landlords and tenants. It would provide clear definitions and be organized and coherent.

I recognize the value and relevance of the Yukon Status of Women Council's research into housing needs and the rental market in Yukon, as well as the comparison they have done of residential tenancy laws across Canada. Although a majority of landlords are responsible and fair, some women have encountered serious difficulties as tenants, and have reported the Act is out of date and unjust. Women tenants feel vulnerable to retaliation if they complain about housing conditions. I support the recommendations made by the Yukon Status of Women Council in its submission to the Select Committee to improve outdated and unfair provisions of the current Landlord and Tenant Act.

The Yukon remains the only jurisdiction in Canada to allow landlords to evict tenants without cause. The Yukon Residential Tenancy Act needs to offer basic protections to tenants, which state that a landlord must provide a written notice of eviction, identify the causes for eviction, and allow for an appeal period for notice of eviction.

Yukon has a chronically high rate of spousal assault. Many women and their children are not safe because they do not have access to housing. I ask the Select Committee to consider adding provisions to the Residential Tenancy Act to give an abused woman the right to move out in less than 28 days' notice if she provides evidence of domestic violence affecting her personal safety. I believe this would make Yukon's Residential Tenancy Act a best practice in an area where it is much needed—responding to the high levels of male violence against women in Yukon communities. In the current housing market with a shortage of units and the vacancy rate for rental accommodations under 2%, I do not think it would be unduly onerous for a landlord to fill a vacant unit if a woman needs to move to protect her personal safety and that of her children.

The Yukon Legislative Assembly should establish minimum rental standards that landlords, and tenants, would have to adhere to. Conditions of housing must be safe, sanitary, and fit for human habitation. The Residential Tenancy Act should establish what those health and safety standards are, even if this means referencing another statute such as the *Public Health and Safety Act*. Health and safety standards, and the condition of the rental unit, should be acknowledged by the landlord and the tenant at the beginning of a rental contract and throughout the tenancy period.

To conclude my submission to the Select Committee, a new Yukon *Residential Tenancy Act* should be developed that will:

Use modernized, clear, plain language and remove archaic and unnecessary words;  
Recognize housing as a human right and the paramountcy of the *Human Rights Act*;  
Require landlords to provide tenants with causes for eviction, in keeping with all other Canadian jurisdictions;  
Clarify landlords' and tenants' rights, security deposits, and last month's rent;  
Establish minimum rental standards, and use inspection reports and regulations for enforcement of rental housing standards, referencing the *Public Health and Safety Act*;  
Establish a penalty for retaliation by landlords if tenants assert their rights to live in a rental property that meets safe housing standards; and  
Establish a dispute resolution mechanism that could be used as an option prior to the Landlord and Tenant Court.

Finally, as a public education service, the Government of Yukon needs to develop and circulate plain language brochures that would clearly explain the rights and obligations of landlords and tenants that are contained in the *Residential Tenancy Act*. Landlords should be required to provide this information to tenants at the beginning of a residential tenancy agreement.