

The Residential Tenancies Act Amended

In keeping with the provincial government's goal of supporting the rights and responsibilities of both landlords and tenants in the province, *The Residential Tenancies Act* is being amended. The goal is to respond to ongoing changes in the rental market in a fair way.

In June, the following amendments went into effect:

- To speed up processing, the Residential Tenancies Branch has the authority to issue amended orders in certain situations. The goal is to reduce the number of time-consuming appeals caused by typing errors.
- The Residential Tenancies Commission will have one commissioner hear certain appeals, particularly those that include small dollar amounts or simple issues. The goal is to speed up the appeals process and cut costs.
- The term appointment for deputy chief commissioners is extended to four years (from two).
- Minor amendments to the act will clarify landlords' general responsibilities to repair and maintain rental units and tenants' responsibilities to maintain rented mobile-home sites.

There are also several other amendments that will take effect once the work on the regulations is completed:

- Landlords will be prevented from getting around rent regulations when they regain possession of units in complexes with three units or less.
- The branch will have authority to require landlords of life-lease complexes to return rent overpayments to tenants.
- The branch will have the authority to impose administrative penalties on individuals who illegally change locks, refuse right of entry, withhold vital services or and tamper with smoke alarms. The goal is to enforce the act, without being heavy handed, and the authority will only be used in the most serious cases.
- Landlords who choose to allow pets in their rental units will be allowed to collect damage deposits from tenants. The goal is to encourage landlords to accept tenants with pets so the many tenants who want pets will have the opportunity to keep them in rental units. Landlords often restrict pets because of the additional costs for cleaning, removing odours and other potential damages. Tenants who require animal assistants will not be required to pay a pet damage deposit.



- Guarantee agreements by a third party for rental units must state clearly the obligations the guarantor is taking on for the tenant.

Proposed changes to the act also cover the increase in demand for specific rental accommodation where landlords provide service packages with their units. The packages can include meals, light housekeeping, transportation and laundry or linen services. The target market for these complexes is individuals who can live independently in an ordinary apartment complex but prefer to live in a building that offers the additional amenities.

The goal is to respond to ongoing changes in the rental market in a fair way.

All these amendments are intended to equally protect the rights of both landlords and tenants. The Branch will provide more details about each amendment in future issues of this newsletter and on the Branch's website at manitoba.ca/rtb

To subscribe to Open Doors, order bulk copies, give us your comments, or get more information, call 945-2476 in Winnipeg, toll free 1-800-782-8403 or visit manitoba.ca/rtb

H1N1 Flu: What to watch for and what to do

H1N1 is a new strain of the influenza virus that has been found in Manitoba. H1N1 is a pandemic virus, expected to affect communities across the province this fall and winter, along with the seasonal flu.

H1N1 flu symptoms can include:

- a fever over 38°C (100.4°F) that comes on suddenly
- a cough
- sore throat
- muscle aches
- joint pain
- tiredness or fatigue

Children may also feel sick to their stomachs, vomit or have diarrhea. Elderly people and those with weak immune systems may not have a fever.

Most Manitobans with H1N1 have not needed medical care or hospitalization. However, this flu can cause severe illness, so it's important to monitor your health and watch for symptoms.

Some people are more likely to have severe symptoms of H1N1, including:

- people with chronic illnesses, weakened immune systems, obesity, alcoholism, substance abuse, smoking, pregnancy or Aboriginal ancestry
- children under five and adults under 65 may also be at greater risk

If you have any of these risk factors, you should contact your health care provider immediately if you develop symptoms because early treatment (within 24 to 48 hours) can be very important. If your symptoms are mild and you do not have the higher risks noted above, stay home, treat your fever and other symptoms, drink fluids and rest until you feel well. Most people recover from the flu without any problems.

If you or a loved one have any of the following symptoms, go directly to an emergency room, nursing station, or health care provider, or call 911:

- shortness of breath or difficulty breathing
- severe weakness
- dehydration or no urination for 12 hours
- drowsiness or confusion
- fever in an infant under three months old



You can help reduce the risk of becoming ill with H1N1:

- Cough or sneeze into your elbow or sleeve or using a tissue to cover your nose and mouth.
- Wash your hands often with soap and water, especially after you cough or sneeze (hand sanitizers are also effective).
- Avoid touching your eyes, nose and mouth.
- Stay healthy by eating healthy food, being physically active and getting enough sleep.

If your flu symptoms get worse, or if you are worried about your health, even if you have seen your doctor recently, contact your health care provider or call Health Links Info Santé at 788-8200 in Winnipeg; toll free 1-888-315-9257.

For more information about H1N1, visit manitoba.ca/flu.

2010 GUIDELINE SET FOR RENT INCREASES

The province has announced that the 2010 guideline for rent increases has been set at one per cent, effective January 1, 2010. The guideline applies to residential rental property, including apartments, single rooms, houses and duplexes renting for less than \$1,105 per month as of December 31, 2009.

For more information about rent increases, call 945-2476 in Winnipeg; toll free 1-800-782-8403; or visit manitoba.com/rtb.

Fire Prevention Week – Time for a Checkup

Fire Prevention Week is October 4 to 10 and it's time to do your annual fire safety checkup. There are fire safety bylaws that apply specifically to residential rental units across the province. As a landlord or a tenant, you can contact your local fire prevention authorities to find out the requirements for your area.

Requirements that apply province-wide include:

- Landlords must have working smoke alarms installed in every rental unit.
- Landlords must ensure smoke alarms are cleaned and tested at least once a year.
- Landlords must ensure smoke alarms are retested whenever a new tenant takes over a unit.
- Landlords must show tenants how to test the alarms themselves.
- Landlords and tenants must never tamper with or alter the workings of a smoke alarm.

- Tenants must test their smoke alarms each month to ensure they work properly.
- Tenants must report any problems with their alarms to their landlords immediately.
- Tenants should have a fire escape plan and practise it regularly.

For more information on fire safety, contact the City of Winnipeg's fire prevention branch at 986-6358; or the provincial fire office at 945-3322 in Winnipeg; toll free 1-800-282-8069.



Money Matters...

These two issues have been dealt with in previous newsletters, but they are worth reviewing.

Money held in trust

If a landlord owes a security deposit to a tenant whose whereabouts is unknown, the landlord must send the money to the Residential Tenancies Branch (RTB) for safe-keeping. The money is held in trust for two years. Other money held in trust by RTB includes rent overpayments that have been recovered on a tenant's behalf.

Tenants who believe there is money owed to them can check our website at: manitoba.ca/rtb and click on "Attention Tenants: Does RTB have money that belongs to you?". Or you can call 945-2476 in Winnipeg; toll free in Manitoba at 1-800-782-8403.

To make a claim, tenants can apply in person or complete the application form found online. Tenants must provide proof of their identity. For rent overpayments, tenants may need to provide proof they lived at the address in question and when.

Money unclaimed after two years is deposited to an educational fund RTB uses to provide resources for landlords, tenants and others.

Unclaimed security deposits

Under *The Residential Tenancies Act*, landlords are required to send unclaimed security deposits to the Residential Tenancies Branch. This requirement has been in the Act since it was passed in 1992.

After a tenancy ends, a landlord has 14 days to return any unclaimed security deposit to the tenant. Landlords who have a claim against the deposit have 28 days from the end of the tenancy to give the tenant the details of the claim.

If the tenant's new address is unknown, landlords must, within 28 days of the tenancy ending, send:

- their claim to the tenant's last known address
- any unclaimed part of the security deposit to the RTB

When the unclaimed security deposit is received at RTB, it is held for the tenant for two years. After that time, it is transferred into the Security Deposit Compensation Fund. The fund is used to pay outstanding security deposits to tenants. The fund is only used when landlords don't comply with legal orders to return money and there is no other way to satisfy the order within a reasonable period of time.

Security Deposit Compensation Fund

Once the Security Deposit Compensation Fund reaches a certain balance, RTB can use the extra money to provide educational programs and material for all landlords and tenants. These are programs and materials RTB may not otherwise be able to provide to the public. The fund covers the cost of such materials as fact sheets, brochures and videos and the cost of producing this newsletter. It is also used to provide public information sessions offered for landlords and tenants.

Online Advertising – *Fact and Fiction*

Advertising on the Internet has a lot of advantages for landlords and tenants. It saves time, increases the number of options and provides unlimited space for details. However, tenants who are apartment hunting online must be aware of the possibility that the advertisement could be a scam.

While the potential for deceit is endless, a recent report to the Residential Tenancies Branch is a good example of how scammers use the Internet.

A tenant found an online ad for a sublet on a Winnipeg apartment. The ad had pictures showing the features of the unit. The advertiser said he had been transferred out of the country and needed to sublet the unit quickly. The tenant e-mailed the advertiser and later wired him a large sum of money for the first month's rent. When the advertiser demanded more money, the tenant became suspicious and contacted the building's property manager directly. The manager said the advertiser wasn't a tenant and that there wasn't an apartment for rent. Unfortunately, the tenant had no way to get his money back, still had to find a new rental and had to pay another security deposit.

Tips for avoiding online rental scams when subletting a unit:

- Whenever possible, ask to see the unit **before** you agree to rent it.
- Contact the actual landlord or property manager **directly**, to make arrangements to sign a lease and give a deposit.
- Pay the security deposit and rent **only** to the landlord or property manager, not the individual tenant.

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Need information?

ONLINE
manitoba.ca/rtb

OFFLINE
in person or by phone

Visit your branch office Monday to Friday
from 8:30 a.m. to 4:30 p.m.

Winnipeg at 302-254 Edmonton Street
or call **945-2476**

Brandon at 157-340 9th Street
or call **726-6230**

Thompson at 113-59 Elizabeth Drive
or call **677-6496**

Toll free 1-800-782-8403

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Publications Mail Agreement No. 40065629
Return Undeliverable Canadian Addresses to
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