

OPENDoors

A publication of the Residential Tenancies Branch

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Rent Increase Guideline for 2011

The 2011 rent increase guideline is 1.5 per cent effective January 1, 2011. The guideline applies to most rented residential apartments, single rooms, houses and duplexes.

There are some exceptions to the guideline. To see more information about units that are exempt from the rent increase guideline, see the article in this issue called “Who is Exempt from Rent Regulation”.

A landlord can raise rent by the maximum guideline of 1.5 per cent as long as they give their tenants proper written notice. This means that a tenant must receive written notice three months before the increase takes effect. For example, if the increase starts on January 1, 2011, the tenant must have received their notice of increase in rent by September 30, 2010. There are new forms the landlord may use, or they can prepare their own notice as long as it contains the required information.

Tenants can object to any increase in rent, either above or below the guideline just as landlords can apply for a larger increase if they can show that the guideline amount will not cover cost increases they have had.

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The economic adjustment factor for 2011 is 0.8 per cent. The economic adjustment factor helps to offset the cost of inflation.

Selling Rental Units: *Rights and Responsibilities*

Landlords who decide to sell rental units, buildings or homes must protect the rights of the existing tenants. This means that a landlord who is selling their property must give their tenant proper notice that they are going to be entering the unit to show it to potential buyers. Once it is sold, they must also give proper notice to vacate the unit.

A notice to enter the unit must be in writing. It must say why the landlord wants to enter the rental unit and the date and time the landlord will bring buyers to see it. If the time and date aren't good for the tenant, the tenant must give the landlord an alternate date and time.

A landlord can only give a tenant notice to move out of the unit or building when it has been sold. The sale must be final and the buyer must ask the landlord, in writing, to give notice to the current tenant(s). New owners can only ask a tenant to move out if the owner or the owner's spouse, adult child, or parent is going to live in the unit.

If the tenancy agreement is month-to-month, and the tenant has no school-age children living in the unit, the landlord may give the tenant notice to move.

The length of notice is based on the vacancy rate.



The length of notice is based on the vacancy rate (number of units available for rent) in the area where the property is located. For example, based on the current vacancy rate in Winnipeg, the notice to move would be three months. If the unit is in Portage la Prairie, the notice to move would be one month. To find out the vacancy rate at the time of the sale, call the Residential Tenancies Branch.

If the tenancy agreement is fixed-term (eg. one year), the landlord must notify the tenant in writing that there will not be a new rental agreement. This must be done at least three months before the agreement ends. (cont'd)

If there are school-age children living in the unit who are going to a nearby school the tenant is allowed to stay in the unit until the end of the school year (June 30). This is true for both month-to-month and fixed-term agreements. If a fixed-term tenancy ends during the school year, the landlord must provide three months' notice that they will not renew the agreement and allow the tenant to stay until the end of the school year.

Tenants who get notice that the unit has been sold can choose to move out earlier. In this case, tenants only have to give the landlord one month's notice.

Tenants who have been given notice that they have to move because the property is sold must receive reasonable moving expenses (up to \$500) from the landlord.

For more information on the sale of rental units, contact the Residential Tenancies Branch at 945-2476 in Winnipeg; or toll free 1-800-782-8403; or go to www.manitoba.ca/rtb

The Hazards of Marijuana Grow Operations

It is becoming more and more common for Manitoba homes to be used to grow marijuana (called grow operations or grow-ops). The Winnipeg Police Service website lists addresses in the city where they have shut down grow-ops – some in rented apartments and houses. Grow-ops are dangerous for both landlords and tenants and can cost everyone money.

Why are Grow-Ops Dangerous?

Grow-ops use large amounts of electricity for heat and lighting. To get the electricity, people often tamper with existing wiring which can cause a fire hazard. Operators sometimes drill through building foundations to get electricity illegally. This can also cause structural damage and leaks in the foundation.

The illegal rewiring and drilling can leave live wires exposed, drain electricity and cause safety hazards for tenants, neighbours, inspectors, utility workers and emergency response teams. They also threaten other units and buildings in housing complexes.

Operators use chemicals, insecticides and fungicides on marijuana plants to keep them from getting fungus and to speed up the growth cycle. Drywall, carpeting, wood, subfloors and concrete basement floors can absorb these toxins, especially if there is poor air circulation and air venting. The soil around the outside of a grow-op may become toxic if the operator dumps or drains the chemicals outside. This can cause serious health problems for all tenants.

Marijuana plants need a lot of moisture and heat to grow, but those conditions also create the perfect environment for mold. Mold can also cause serious health problems.

How Can I Spot a Grow-Up?

Grow-op operators usually rent apartments or houses for a short time and only stay long enough to harvest a crop. They will often just abandon a unit, leaving the landlord with a big cleaning bill, damage to the unit, and possible air quality problems. Becoming aware of the signs of a marijuana grow operation will help both landlords and tenants avoid becoming victims of this crime. Common signs of a grow-op include:

- the unit or home is empty most of the time, with people coming in for short periods of time, often late at night;
- windows are totally covered with cardboard, aluminum foil or plastic;



- heavy amounts of condensed moisture is visible on the windows;
- you can see that someone has tampered with the hydro meter or the ground around it.
- there are strange smells coming from the unit – sometimes a skunk-like odour.
- you see unusual amounts of steam coming from vents in a house in cold weather.
- snow has melted off the roof of the unit, when all the others around it are still covered in snow;
- there is rarely any garbage put out; or
- there are signs (empty bags or packaging) of a lot of potting soil, peat, etc. around the unit or in the immediate area.

If you think there's a grow-op in your building, complex or a neighbourhood home, call the Winnipeg Police Service non-emergency number at 986-6222 or the Manitoba Justice Public Safety Investigators in Winnipeg at (204) 945-3475 or 1-800-954-9361 toll free outside Winnipeg

If you think you may have rented a unit that was used for a grow-op, ask your landlord.

Any landlord who has a unit that was used for a grow-op should get an air-quality test done by professionals to make sure it's safe for new tenants. Environmental consultants can test for chemical toxins and mold levels in the air of the unit.

For more information on grow-ops, go to: www.winnipeg.ca/police.

Who is Exempt from Rent Regulation?

Some rental units and residential buildings do not have to follow rent regulation laws. This means that the units are **exempt** and the landlord does not have to follow the rent increase guidelines when raising the rent.

There are several reasons why a rental unit may be exempt from rent regulation guidelines. Some of these reasons are:

- if a unit is renting for \$1120.00 or more per month as of December 31, 2010;
- if the unit is in a personal care home;
- if the unit is part of an approved rehabilitation scheme;
- if the unit is in a new building less than 15 years old, where an occupancy permit was first issued or a unit was first occupied after April 9, 2001; or
- if the unit is in a new buildings less than 20 years old, where an occupancy permit was first issued or a unit was first occupied after March 7, 2005;

Landlords who own exempt buildings or units can choose how much they will raise the rent. This means that even if the allowable rent increase was set at one per cent that year,

landlords with exempt buildings can raise the rent by any amount they choose.

While these landlords can raise the rent by any amount, they can only raise it once a year and must give three months' written notice to tenants. Rent increases must apply equally to each month's rent. For example, if the increase is \$180.00 per year, the rent would increase by \$15.00 each month.

The Residential Tenancies Act lists other types of rentals that are exempt from rent regulation:

- units used on a transient basis in hotels, motels, inns, tourist homes, hostels, boarding houses or similar businesses
- units used by the buildings' caretakers or landlords' employees
- units in subsidized housing

Before you agree to rent a unit, it's a good idea to ask the landlord if the unit is exempt from rent regulation for any reason. If it is exempt, remember that there is no limit on the amount the landlord can choose to raise the rent.

Stop Mold in Your Home

Mold is a tiny fungus that grows naturally. It is part of the dust in our homes and can cause food to spoil. It also causes wood to rot and leaves to decay. Mold that grows indoors can cause health problems. The key to stopping mold in your home is to keep things dry, because mold only grows in wet or moist areas.

What can I do as a tenant?

In most cases, landlords must repair ongoing moisture problems and clean up mold. If you notice mold in your home, you must tell the landlord as soon as possible. If you let the landlord know early enough and they can address the problem there's less chance that mold will become a bigger problem.

Mold can make people sick. As a tenant, you must keep your unit dry and make sure there is good air circulation. While the landlord must make sure that the unit is in good condition when you move in, you as a tenant must also do your part to stop mold from growing in your home:

- report all water leaks to your landlord immediately, to stop moisture from building up;
- always put the bathroom fan on when you're taking a shower or a bath. If the fan doesn't work, ask your landlord to fix it;
- use the kitchen fan when cooking and cover pots when boiling liquids;
- limit the use of a humidifier, unless your doctor says you need one;
- when weather allows, open windows to let moisture out;

- try not to let your home get cold because it makes the moisture condense into water on walls and windows;
- don't block heating vents or cold-air return vents;
- don't let your home get cluttered. If you are storing clothes, store them in a sealed plastic bag. Get rid of old blankets, linens, newspapers etc. because they can hold moisture if they're piled in small spaces.
- leave a little space between the wall and any furniture so air can circulate;
- limit the number of plants in your home to just a few, because soil is a natural place for mold to grow. *(cont'd)*



What does mold look like?

Mold can be any colour – black, white, red, orange, yellow, blue, violet. It can also show up as a darker patch on walls and furniture. Mold has a musty, earthy smell that doesn't go away, even if you open doors and windows.

What should I do if I see mold?

If you think you have mold, let your landlord know right away and have him or her inspect your home for mold growth. If it's just a small spot of mold like the kind often seen on grout around the bathroom tub or shower the landlord may ask you to try cleaning it with bleach. If it is a bigger problem like a large patch on a wall the landlord will have to clean it up and fix the problem that is causing too much moisture to build up. Then you must keep the area dry so mold doesn't come back.

What should I do if the landlord doesn't fix the problem?

If your landlord doesn't fix the problem and you can see visible mold growth, contact the RTB and fill out a request for repairs form. If you live in Winnipeg the RTB will usually tell you to call 311 and ask to speak to a bylaw officer about the mold. The bylaw officer may order the landlord to take certain steps to get rid of the mold. The branch and the bylaw officer will work together to deal with a health concern.

Reminder: Effective June 30, 2010, many of the forms used by landlords and tenants changed. To make sure that you are using the most current forms, visit the branch's website at www.manitoba.ca/rtb or come into any branch office to pick up a copy.

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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