



OpenDoors

Changes to the Notice to Move Requirements

Landlords must give tenants a notice based on the vacancy rate (in the city/town or region the unit is located in) if they need the tenant to move out because the:

- landlord is moving into the unit
- landlord is renovating the rental unit and tenants cannot live in the unit while the work is being done
- landlord is demolishing the rental unit
- landlord is changing the use of the unit to non-residential use

The branch uses the vacancy rates that are set out in the Canada Mortgage and Housing Corporation's most current fall edition of the Rental Market Report.

If the vacancy rate is:

- Below two percent, tenants must receive five months notice.
- Between two and 2.9 percent, tenants must receive four months notice.
- Three percent or higher, tenants must receive three months notice.

The fall 2014 Rental Market Report showed changes to the vacancy rates in some areas of Manitoba. This changes the length of notice a landlord must give.

Area	Vacancy rate	Notice Required
Winnipeg	2.5 percent	Four months
Hanover	13.5 percent	Three months
Brandon	0.9 percent	Five months
Thompson	1.7 percent	Five months
Portage la Prairie	5.5 percent	Three months (changed)
Steinbach	3.1 percent	Three months
Winkler	2.0 percent	Four months (changed)
Manitoba average (for those units outside of city centers)	2.5 percent	Four months

A tenant in a fixed-term tenancy (for example, one year), must receive notice to move that coincides with the end of their tenancy agreement. For example, if a tenancy ends on July 30 and the rental unit is in Winnipeg, the landlord would need to give the tenant notice to move on or before March 31.

Important Information:

When a landlord (and/or their spouse, adult children, parents or parents-in-law) want to move into a rental unit, or when a landlord sells a rental unit and the purchaser of the unit (or the purchaser's spouse, adult children, parents or parents-in-law) want to move into the unit purchased – the landlord can give the tenant notice to move.

If the tenant is on a month-to-month tenancy and the vacancy rate where the unit is located is below three percent, the landlord must give the tenant three months' notice. If the rate is three percent or higher, then only one month's notice is necessary.

When tenants have children going to a school that is reasonably close to the rental unit, there are special notice requirements. To find out more about these rules, contact your nearest branch office or go to our website under Resource List and see Notice to Move – Information for Tenants.

For more information about changes to *The Residential Tenancies Act*:
Visit our website at gov.mb.ca/cca/rtb/index.html
Call or visit the branch office nearest you

Manitoba's new *Condominium Act* is now in effect. Developers, owners, and landlords will see many changes under this new legislation. To see the new act, information, regulations and forms, visit manitoba.ca/condo.



Changes to *The Residential Tenancies Act* – Effective January 1, 2015

A number of changes to Bill 40 – *The Residential Tenancies Act* – came into effect on January 1, 2015. Following are highlights of those changes:

Landlords who want to apply for an Above Guideline Rent Increase will notice the allowable portions to some capital expenditures have changed. To see these changes, go to our website's Resource List and click on Rent Increases - A Guide for Landlords (page 9 shows current allowable portions).

There are several changes to the branch's Rehabilitation Scheme For All or Part of a Residential Complex process:

- The number of major components a landlord must complete to qualify for a rehabilitation scheme has changed from two to **three**.
- Any improvements proposed in a rehabilitation scheme must not be started before the branch issues the first Order.
- Landlords must not give any tenants a notice of termination for renovations before receiving the first Order from the branch.
- The amount per unit that a landlord must spend has changed. This amount is used to determine the length of the exemption period. To see these changes, go to our website's Policy and Procedure Guidebook and click on section 13.5.
- Once an order is made approving the rehabilitation scheme, the landlord can't make another application for the same complex for a period of 10 years from the date the exemption period ends.
- The form, Application for Approval of Rehabilitation Scheme for All or Part of a Residential Complex (Form 5A), has changed. To see this form, go to our website's Fees and Forms page.

Landlords who apply for a Rehabilitation Scheme - Specified Unit will see the following changes:

- The number of major improvements landlords must do to qualify has increased from three to **four**.
- The list of major improvements within the unit that qualify is updated. To see the list of qualifying items, see our Specified Unit Rehabilitation Scheme fact sheet.
- The definition of voluntary vacate now makes it clear that a unit does not qualify for rehabilitation if the tenant received a notice termination **and moved out** of the unit because of that notice. This applies to notices of termination given for the following sections of the act:
 - Section 95 (paying a deposit with an N.S.F. cheque)
 - Section 95.1 (non-payment of rent or tenant services charges)
 - Section 96 (causes other than failure to pay rent)
 - Section 97 (caretaker or employee units)
 - Section 98 (sale or for landlord's use)
 - Section 99 (demolition, renovation or change of use)
- The amount per unit that landlords must spend has changed. This amount is used to determine the length of the exemption period. To see these changes, go to our website's Resource List and view the Specified Unit Rehabilitation Scheme fact sheet.
- The form, Application for Approval of Rehabilitation Scheme for Specified Unit (Form 5B), has changed. To see this form, go to our website's Fees and Forms page.

For more information about changes to *The Residential Tenancies Act*:

Visit our website at
gov.mb.ca/cca/rtb/index.html

Call or visit the branch office nearest you

The Importance of having Tenant Insurance

Did you know the insurance a landlord carries on a building will not cover a tenant's belongings if they are lost or damaged in a fire or by vandalism?

Take a moment to look around at your furniture, clothes, books, toys, computers, electronics and jewelry. Imagine if you had to replace all of it at once. Even if you don't own a lot of expensive things, this can be very costly.

It is also important to remember that if you cause accidental damage to a landlord's building or to another tenant's belongings (ex: you accidentally start a fire while cooking that spreads to other units in the building or causes smoke damage), you can be held financially responsible.

Tenant insurance can protect you from the cost of paying for damages you may accidentally cause. It can also pay to replace your personal property that is lost to fire, theft, vandalism or other similar acts whether it is caused by you or others.

Tenant insurance is widely available at a reasonable cost. Prices and coverage vary, so shop around and check to see exactly what each policy covers.

Beware of Rental Scams

Internet rental scams continue to pop up and can end up costing renters a lot of money. To minimize your chances of being a victim of rental fraud, keep these tips in mind:

- Only sign tenancy agreements with a landlord or property manager and only give any deposit or posted-dated cheques to them.
- Go and see the unit before you pay any money. If you are moving from out of town and that isn't possible, have a friend or relative meet with the landlord and see the actual unit you are renting.
- If the rental price seems too good to be true for the market, it probably is. Check prices for similar units in the area. Often, someone trying to commit rental fraud posts a low rent as a way to get multiple people interested in the unit.
- Only landlords and property managers can approve tenants for a sublet or assignment. Make sure you speak to the landlord or property manager directly and make sure you've been approved, before you send any money. Also, only send money to the landlord or property manager.

If you are ever in doubt about an advertisement, call the landlord or property management company directly.

Hearings at the Branch – Bring your Evidence

The Residential Tenancies Branch (the branch) holds hearings and makes decisions on many types of issues relating to tenancies in Manitoba. Decisions are based on *The Residential Tenancies Act* and regulations and the evidence presented at the hearing. It is important that both landlords and tenants have their evidence prepared when they come to a hearing at the branch.

Things to know:

- Bring three copies of your evidence to the hearing.
- The evidence you present needs to be about the issue being decided.
- If you can't come to the hearing, make sure your evidence arrives at the branch before the hearing.

Remember to include:

- Important documents like tenancy agreements, notices or letters about the dispute that you have received or sent, and rental unit condition reports (if relevant).
- Receipts and estimates if you are claiming costs. Receipts must be dated, clear and readable.
- Photographs. Please number each photo, and on the back of each photo, provide a brief explanation of what it is showing (ex: stain on living room carpet, broken window in bathroom). You must print out the photos. Photos on a cell phone, memory stick, compact disk or other electronic device will not be allowed as evidence.

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(Hearings at the Branch - Bring your Evidence - continued)

- Written statements from any witnesses who can't come to the hearing. Make sure all pages are numbered and the statement is signed by the witness who wrote it.

For more information on hearings at the branch, go to: www.manitoba.ca/rtb and click on the Fact Sheet for Hearings. You can also call or visit the branch office nearest you.

If you are a tenant or landlord preparing for a branch hearing, you may qualify for help from the Independent Advisor Office:

- Landlords can contact the Independent Advisor Office at 204-505-0720; email landlord@legalaid.mb.ca.
- Tenants can contact the Independent Advisor Office at 204-881-1714; email tenant@legalaid.mb.ca.

Need information?

Winnipeg
302-254 Edmonton Street
or call 204-945-2476

Brandon
143-340 9th Street
or call 204-726-6230

Thompson
113-59 Elizabeth Drive
or call 204-677-6496
Toll free 1-800-782-8403

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.

This publication is available in alternate formats upon request.

To subscribe to Open Doors, order bulk copies, give us your comments, or get more information, call 204-945-2476 in Winnipeg, toll-free 1-800-782-8403 or visit manitoba.ca/rtb.

Manitoba 

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