
Independent Advisor Program

Manitoba renters and landlords come from various backgrounds and age groups. Sometimes, they have limited experience with tenancy agreements, and other legal documents related to tenancies.

Sometimes, when there are problems with a tenancy, both tenants and landlords need to be involved in the dispute resolution process at the Residential Tenancies Branch (the branch). Some find this process hard to manage without help. The independent advisor program was created to help people get important information and advice, file claims, and get ready for hearings.

The independent advisor is from Legal Aid and is an advocate for people going through the hearing or dispute resolution process.

The independent advisor will help people:

- fill out forms
- file claims with the branch
- file appeals with the Residential Tenancies Commission(RTC)
- prepare for hearings at the branch and the RTC

The advisor will also help tenants:

- make objections (disagree) about rent increases

The independent advisor can help people present their evidence at hearing if:

- they have difficulty speaking or understanding English
- they have physical or cognitive (mental or emotional) problems
- they are on a limited (low) income

This pilot project, made possible by funding from the Government of Manitoba, launched in Winnipeg in the fall of 2010. While the service is available to tenants only right now, it will be expanded to help smaller, independent landlords in the near future.

Visit the independent advisor at 302-254 Edmonton Street, Winnipeg or call 881-1714. Tenants can email the advisor at tenant@legalaid.mb.ca. You do not need an appointment to talk to the advisor. Contact information for landlord service will be on the branch's website as soon as it's available.

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

Guarantors and Guarantee Agreements

What You Need to Know

Guarantors are people who agree, in writing, to cover the payment of any money tenants may owe landlords during a tenancy agreement. The money can be for unpaid rent, damages or repairs for the rental unit.

Landlords and guarantors enter into guarantee agreements. A guarantee agreement is a written document signed by both guarantors and landlords that states what payments the guarantor is going to cover if the tenant does not. The total limit of the amount the guarantor is responsible for must be stated in the agreement.

Guarantors must get a signed copy of both the tenancy agreement and guarantee agreement within 21 days of the start of the tenancy.

What if tenants don't pay their rent or cause damage they don't fix?

If tenants miss two rental payments (fail to pay rent for two months), landlords must give guarantors written notice within 10 days of that time. For example, if rent is due on the first of the month and tenants do not pay rent on July 1 and August 1, landlords must give guarantors notice by August 11.

If tenants don't live up to the tenancy agreement in other ways (ex: damages, noise and disturbance), landlords must give guarantors notice as soon as possible. For example, if tenants cause damage to the unit and haven't paid for the repairs, landlords must tell guarantors, in writing, **as soon as possible**.

How do guarantee agreements end?

For a month-to-month tenancy agreement, guarantors can give landlords notice of one rental payment period to end the guarantee agreement.

For a fixed-term tenancy agreement, the guarantee agreement is in place until the end of the existing tenancy agreement (unless the agreement says differently). If guarantors don't want to be responsible for future tenancy agreements, they **must** give landlords two months notice before the end of the tenancy agreement (for example, if the tenancy agreement ends on June 30, guarantors must give landlords notice by April 30 to end the guarantee agreement on June 30).

NOTE: Guarantee agreements must not keep certain groups of people from renting. For example, you cannot have a policy that says that all renters between 18 to 25 years of age must have a guarantor. The use of a guarantor must only occur when the landlord has a valid reason to be concerned about a particular tenant's ability to pay the rent.

The Residential Tenancies Act outlines the information that must be included in guarantee agreements. For more information on this, contact the branch office nearest you, or go online to our website.

More Landlords Accepting Tenants with Pets

For years, tenants with pets have had a hard time finding landlords willing to rent to them. But times are changing, and more and more landlords are beginning to see the benefits of pet-friendly apartments.

Changes to the *Residential Tenancies Act* in 2010 may be partly responsible for the change. The Act now allows landlords to collect a pet damage deposit of up to one-half of one month's rent. This money may be used when the tenant moves out to cover any repairs or special cleaning needed as a result of the pet(s).

It should be noted that landlords can only collect one pet damage deposit, even if they allow tenants to have several pets.

Note: Landlords **cannot** ask tenants who need animals to help them (ex: seeing-eye dog) for a pet damage deposit.

Tenants are encouraged to provide landlords with information about their pets when they apply to rent. A "pet reference" from the pet's veterinarian, or a current landlord, may help landlords feel more comfortable in renting to tenants with pets.

If you, as a landlord, decide to rent to tenants with pets you could:

- **Increase the number of people who want to rent from you.**

Not all properties on the market accept tenants with pets, so yours will be in high demand.

- **Get more tenants who want to stay for a longer time.**

It may be hard to find rental properties that allow pets, so tenants with pets are likely to stay longer than tenants with no pets. This cuts down on the turnover in your building(s).

- **Attract responsible tenants.**

Responsible pet owners often make the most responsible tenants.

The Winnipeg Humane Society has a list of pet-friendly apartments across the city on its website at www.winnipeghumanesociety.ca. You can also call the society at 204-982-3555 to receive more names of landlords with pet-friendly buildings or to add a building to the list.

Tenants outside of Winnipeg should talk to landlords before signing a rental agreement.

The Residential Tenancies Branch will soon offer two brochures on this subject:

- Renting with Pets – Information for Tenants
- Renting to Pet Owners – A Guide for Landlords

These brochures have tips for both landlords and tenants. Go to www.manitoba.ca/rtb. If you would like to receive a paper copy, contact the nearest Residential Tenancies Branch office.

Tips for Avoiding Rental Fraud

Because more and more people are using the Internet to find apartment and home rentals, the amount of fraud – affecting both landlords and tenants – is going up.

Here are some examples of what a rental fraud or scam may look like:

Fraud #1: A con artist claims to be a tenant placing an ad to sublet or assign an apartment for a very reasonable price. The person advertising the unit needs someone to take over the lease right away. The con artist asks the potential renter to wire money to cover the damage deposit and the first months' rent directly to the con artist. The renter then finds out there is no rental and the money is gone.

Fraud #2: A con artist rents a unit from a landlord. He/she then advertises the unit online for sublet (or assignment). The con artist has several renters send money for security deposits and first month's rent and then leaves with the money and doesn't pay the landlord.

Fraud #3: A con artist pretends to be from out of town and answers a real ad to rent a unit. The con artist sends a **counterfeit** certified cheque to the landlord for the security deposit and first months' rent. The cheque will be for more than the amount of the security deposit and the first month's rent. The con artist will then ask the landlord to send back the overpayment. If the landlord doesn't wait for the initial payment to clear the bank and sends back the overpayment, the money will be gone.

How to avoid fraud

If you are looking for a place to rent, keep these things in mind:

- Tenants must fill out an application with the landlord, not online with the person who is subletting or assigning the unit. Don't agree to a sublet (or assignment) or to take over a tenancy agreement unless you have spoken to the owner/landlord.
 - Only landlords and property management companies approve tenants for sublets or assignments. If the tenant is subletting or assigning their tenancy, don't send the money to the tenant. Only send it to the owner/landlord.
 - Go and see the unit before you pay any money. If you are moving from out of town, ask a friend or family member to look at the unit.
 - Contact the actual landlord or property manager to make sure that the unit exists and is for rent.
 - Only sign a tenancy agreement with landlords or property managers, and only give any deposit or advance rent to them.
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Campaign Signs and Access to Rental Properties

What are the Rules during an Election?

Campaign Signs

Tenants:

- Residential complexes – You may put up campaign signs during an election as long as the signs are on the **inside** of your window or balcony.
- Single-family homes or side-by-side duplexes – You may put up signs in your own yard.
Note: You must repair any damage caused by campaign signs and must take down the signs the day after the election.

Landlords:

- You may post signs in common areas of residential complexes.

Access to Rental Properties

Landlords must let enumerators inside residential complexes to prepare voters' lists. An enumerator's job is to go door-to-door and check how many people, from each household, are eligible to vote in the upcoming election.

Once an election date is set, landlords must allow candidates (the people running for office) to enter the complexes to speak to tenants or hand out information. However, candidates must first arrange for entry in the building from either a tenant or the resident manager.

Don't forget to check out What's New!

You can find out about any changes to *The Residential Tenancies Act* by clicking on the What's New link at the RTB website. Go to www.manitoba.ca/rtb for information about:

- Tighter requirements for rehabilitation applications
- New protection for tenants in buildings that offer tenant services
- Changes to the amortization period for above guideline rent increase applications
- New rules for condominium conversions
- Quicker hearings for Order of Possession for impairment of safety and nuisance and disturbance
- Increased late payment and NSF fees
- Reduced fees for above guideline applications on smaller buildings
- Access to an Independent Advisor for landlords of smaller properties
- And more.....

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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