

# OpenDoors

## Residential Tenancies Branch: We're moving!



On January 2, 2018, our Winnipeg branch is moving. Our new address is:

**1700 -155 Carlton Street  
Winnipeg, MB R3C 3H8**



Starting January 2, 2018, all daily business in Winnipeg, including hearings, will be done out of this office. Our phone numbers will remain unchanged. We look forward to serving you at our new location.

## Requirements for Giving a Notice to Move

If you're a landlord and you need a tenant to move out, you must give that person a notice based on the vacancy rate in the city, town or region the unit is located in.

Reasons for asking your tenant to move include:

- You are moving into the unit.
- The rental unit is being renovated, and tenants cannot live in it while the work is being done.
- The rental unit is being demolished.
- The unit is being changed into something other than a residential rental unit.

The Residential Tenancies Branch (RTB) uses the vacancy rates set out in the Canada Mortgage and Housing Corporation's most current fall edition of the *Rental Market Report*.

<b>If the vacancy rate is:</b>	<b>Tenants must receive notice of:</b>
Three per cent or higher	three months
Between two and 2.9 per cent	four months
Below two per cent	five months

The fall 2016 *Rental Market Report* showed changes to the vacancy rates in several areas of Manitoba, which affects the length of notice a landlord must give.

<b>Area</b>	<b>Notice Required</b>
Winnipeg	four months
Hanover	four months ( <i>Manitoba average</i> )
Brandon	three months ( <i>changed</i> )
Thompson	five months ( <i>changed</i> )
Portage la Prairie	three months
Steinbach	five months
Winkler	four months ( <i>Manitoba average</i> )( <i>changed</i> )
Manitoba	four months ( <i>outside city centres</i> )

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 31 and the rental unit is in Winnipeg, the landlord must give the tenant notice to move on or before March 31.

*continued on next page*

### Notice to move: other rules

When a landlord sells the rental unit and the purchaser (or the purchaser's spouse, adult children, parents or parents-in-law) wants to move in, the following rules apply:

- In a **month-to-month tenancy**, the landlord must give notice to move based on the vacancy rate. If the vacancy rate where the unit is located is **below three per cent**, the landlord must give the tenant three months' notice. If the rate is **three per cent or higher**, then only one month's notice is needed.

- In a **fixed-term tenancy**, the landlord must give the tenant **three months' notice that coincides** with the end of the tenancy agreement (e.g., If the tenancy ends on October 31, the landlord would need to give notice on or before July 31).

There are special rules that apply when tenants have **school-aged children** going to a school that is reasonably close to the rental unit. For more information, contact your nearest RTB office.

For more information about giving or receiving a notice to move, contact your nearest RTB office, or visit our website at [manitoba.ca/rtb](http://manitoba.ca/rtb).

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# Rent increase guideline set for 2018

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Each year, the Manitoba government sets the rent increase guideline. This is the amount that landlords can raise their rents without applying to the Residential Tenancies Branch (RTB). As of January 1, 2018, the rent increase guideline is 1.3 per cent.

To arrive at the guideline, the government uses a method that is set out in the Residential Rent Regulation. This method is based on the percentage change in the average annual Manitoba Consumer Price Index (CPI), published by Statistics Canada.

Landlords who want to increase the rent by the guideline amount must give tenants written notice, at least **three months** before a rent increase takes effect.

The guideline applies to most rented residential apartments, single rooms, houses and duplexes. Some units are exempt from Part 9 of *The Residential Tenancies Act*, so their landlords do not have to follow the annual rent increase guideline. These include:

- units renting for \$1475 or more per month, as of December 31, 2017
- personal care homes
- approved rehabilitated rental units
- new buildings less than 15 years old, where an occupancy permit was first issued or a unit was first occupied, after April 9, 2001

- new buildings less than 20 years old, where an occupancy permit was first issued or a unit was first occupied, after March 7, 2005

Tenants who want to object to any rent increase can send a letter to the branch explaining why they are objecting to the increase. If you are objecting to an increase that is at or below the guideline, *The Residential Tenancies Act* sets out the following reasons for objecting:

- The landlord is not maintaining the rental unit or the building.
- The landlord has reduced or taken away a service or facility.
- The landlord is not meeting any other obligation under a tenancy agreement or the act.
- You believe the landlord's costs have not increased.

The branch must receive any letter of objection no later than 60 days before the rent increase date.

For more information on rent increases, contact the Residential Tenancies Branch office nearest you or visit our website at [manitoba.ca/rtb](http://manitoba.ca/rtb).



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# Unclaimed Deposits

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**Tenants - If you haven't claimed your deposit, check our website or request help in getting it back.**

If there are no issues when a tenancy ends, landlords have 14 days to return a tenant's deposit and interest. If your landlord has a claim against your deposit, you must receive a copy of the claim within 28 days of the end of the tenancy.

If there is no claim against the deposit and you need help getting your deposit back from the landlord, you can contact the Residential Tenancies Branch (RTB) for help.

Sometimes, landlords can't find tenants after a tenancy ends, and in this case the landlord must send any unclaimed deposits and interest to the branch. The branch holds these unclaimed deposits in trust for two years.

The branch has a list of addresses on our website that show where we hold money in trust. If you are a tenant who thinks there may be some money for you in our trust account, please go to our website at [manitoba.ca/rtb](http://manitoba.ca/rtb). Click on Tenants, then Unclaimed Deposit/Other to see a list of all addresses with money held in trust. You can also contact our office by phone, email, fax or in person.

To make sure you receive your deposit and interest back at the end of a tenancy, be sure to leave your forwarding address with the landlord.

**Landlords – don't forget to send unclaimed deposits to the RTB**

After your tenant moves out, if you have no claim against the deposit and interest, you must return the unclaimed amount to your tenant. If you can't find your tenant, the money must be sent to the RTB where it will be held in trust for two years.

If the deposit is not claimed after two years, it is put into the Security Deposit Compensation Fund, which is used to teach landlords and tenants about their rights and responsibilities, the laws in Manitoba and other tenancy-related matters.

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# Students- New to Renting?

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At the start of every school year, many university and college students are searching for affordable, off-campus rental housing. If you're new to the area or new to renting, you may be unaware of the rights and responsibilities of tenants and landlords in Manitoba.

If you're new to renting, check the First Time Renters section on the RTB's website. There is more information available about tenant-related concerns in the Tenants section of the website.

If you, or someone you know, need information about your rights and responsibilities or are having an issue you need help with, you can contact the branch either by phone, email, fax or in person.



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# Reminder to landlords – check identification

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When you enter into a residential tenancy agreement as a landlord, make sure that the tenancy agreement lists the correct legal name of the tenant. One way to check is to ask to see the tenant's photo identification (ID), which will include the correct spelling of the tenant's legal name. If the person does not have photo ID, ask to see another piece of government-issued ID.



## 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](http://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](http://manitoba.ca/rtb).*

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