

Manitoba Residential
Tenancies Commission

**Annual Report
2024-25**



Indigenous Land Acknowledgement

We acknowledge that Manitoba is located on the Treaty Territories and ancestral lands of the Anishinaabeg, Anishininewuk, Dakota Oyate, Denesuline and Nehethowuk Nations.

We acknowledge Manitoba is located on the National Homeland of the Red River Métis.

We acknowledge northern Manitoba includes lands that were and are the ancestral lands of the Inuit.

Reconnaissance Territoriale

Nous reconnaissons que le Manitoba se trouve sur les territoires visés par un traité et sur les terres ancestrales des peuples anishinaabe, anishininewuk, dakota oyate, denesuline et nehethowuk.

Nous reconnaissons que le Manitoba se situe sur le territoire national des Métis de la Rivière-Rouge.

Nous reconnaissons que le nord du Manitoba comprend des terres qui étaient et sont toujours les terres ancestrales des Inuits.

Manitoba Residential Tenancies Commission

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Electronic format: <https://www.gov.mb.ca/cp/residtc/annualreports.html>

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Minister of Public Service Delivery

Legislative Building, Winnipeg, Manitoba R3C 0V8 CANADA

Her Honour the Honourable Anita R. Neville, P.C., O.M.
Lieutenant Governor of Manitoba
Room 235 Legislative Building
Winnipeg, MB R3C 0V8

May it Please Your Honour:

I have the privilege of presenting, for the information of Your Honour, the Annual Report of the Manitoba Residential Tenancies Commission, for the fiscal year ending March 31, 2025.

Respectfully submitted,

“original signed by”

Honourable Mintu Sandhu
Minister of Public Service Delivery





Ministre de la Prestation des services publics

Palais législatif, Winnipeg (Manitoba) R3C 0V8 CANADA

Son Honneur l'honorable Anita R. Neville, P.C., O.M.
Lieutenant-gouverneur du Manitoba
Palais législatif, bureau 235
Winnipeg (Manitoba) R3C 0V8

Madame la Lieutenant-Gouverneure,

J'ai l'honneur de vous présenter, à titre d'information, le rapport annuel du ministère du
Commission de la location à usage d'habitation du Manitoba pour l'exercice qui s'est
terminé le 31 mars 2025.

Le tout respectueusement soumis,

"original signé par"

Mintu Sandhu
Ministre de la Prestation des services publics





Residential Tenancies Commission
1650-155 Carlton Street, Winnipeg, Manitoba, Canada R3C 3H8
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Honourable Mintu Sandhu
Minister of Public Service Delivery
Room 343 Legislative Building
Winnipeg, MB R3C 0V8

Dear Minister:

Subsection 151(1) of The Residential Tenancies Act states that within six months after the end of each fiscal year, the Chief Commissioner shall submit an annual report to the Minister respecting the activities of the Residential Tenancies Commission and setting out the significant decisions of the Commission and the reasons for the decisions.

I am pleased to present for your approval the 2024/25 Annual Report of the Residential Tenancies Commission.

Respectfully submitted,

“original signed by”

Karin Linnebach
Chief Commissioner
Residential Tenancies Commission



Commission de la location à usage d'habitation
155, rue Carlton, bureau 1650, Winnipeg (Manitoba) Canada R3C 3H8
Tél. 204-945-2028 **Télé.** 204-945-5354 **Sans frais.** 1-800-782-8403

Mintu Sandhu
Ministre de la Prestation des services publics
législatif, bureau 343
Winnipeg (Manitoba) R3C 0V8

Dear Minister:

Le paragraphe 151(1) de la Loi sur la location à usage d'habitation stipule que dans les six mois suivant la fin de chaque exercice, le commissaire en chef présente au ministre un rapport annuel concernant les activités de la Commission de la location à usage d'habitation et exposant les décisions importantes de la Commission et les motifs de ces décisions.

J'ai le plaisir de présenter à votre approbation le rapport annuel du Commission de la location à usage d'habitation pour l'exercice qui s'est terminé le 31 mars 2025.

Le tout respectueusement soumis

"original signé par"

Karin Linnebach
Commissaire en chef
Commission de la location à usage d'habitation

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INTRODUCTION

The Residential Tenancies Commission (the Commission) is a quasi-judicial, specialist tribunal that hears appeals from decisions and orders of the Director of the Residential Tenancies Branch (the Branch) under The Residential Tenancies Act (the RTA).

The Residential Tenancies Commission consists of:

- The Chief Commissioner - a full-time position, appointed for up to a five-year term, located in Winnipeg;
- Deputy Commissioners – one full-time Deputy Chief Commissioner and one 0.6 full-time equivalent (FTE) Deputy Chief Commissioner appointed for up to a four-year term and 14 part-time Deputy Chief Commissioners appointed for up to a four-year term, located in Winnipeg, Steinbach, Dauphin and St. Pierre-Jolys. The Deputy Chief Commissioners may exercise the powers and perform the duties of the Chief Commissioner.
- Panel members – 20 part-time panel members appointed for up to a two-year term located in Winnipeg, La Broquerie, Thompson and Brandon – approximately half representing the views of the landlords, the others the views of the tenants.

The Commission may conduct hearings orally, in person or by telephone, in writing or partly orally and partly in writing. Some appeals are heard only by the Chief Commissioner, or a Deputy Chief Commissioner and some appeals are heard by a panel of three consisting of one landlord and one tenant representative and either the Chief Commissioner or a Deputy Chief Commissioner as the neutral Chairperson. If there is not a majority decision, the decision of the neutral Chairperson is the decision of the Commission.

Effective June 3, 2019, all Commission decisions are final and binding. However, the Chief Commissioner may correct or amend a decision or order of the Commission in limited circumstances as set out in sections 171.01 and 160.1(1) of the RTA. The RTA requires the Chief Commissioner to submit a report on the administration of the RTA to the Minister within six months after the end of each fiscal year. The reporting period for this report is the fiscal year ending March 31, 2025. Figures for the fiscal year ending March 31, 2024, have also been provided for purposes of comparison. The statistics are broken down by activity (e.g., security deposits, repairs, utilities).

INTRODUCTION

La Commission de la location à usage d'habitation (la Commission) est un tribunal quasi-judiciaire spécialisé chargé d'entendre les appels des décisions et des ordonnances que rend le directeur de la Direction de la location à usage d'habitation en vertu de la *Loi sur la location à usage d'habitation* (the RTA).

La Commission de la location à usage d'habitation se compose :

- Le commissaire en chef – un poste à temps plein; nommé pour un mandat d'au plus cinq ans; situé à Winnipeg.
- Des commissaires adjoints – un commissaire en chef adjoint à temps plein, un 0.6 poste à temps plein, occupé pour une période de quatre ans maximum et 14 postes à temps partiel, occupés pour une période de quatre ans maximum; basés à Winnipeg, à Steinbach, à Dauphin et à St. Pierre-Jolys. Les commissaires adjoints peuvent exercer les pouvoirs et les fonctions du commissaire en chef;
- Des membres des comités – 20 membres à temps partiel nommés pour un mandat pouvant aller jusqu'à deux ans et situés à Winnipeg, La Broquerie, Thompson et Brandon – environ la moitié représentant les points de vue des propriétaires, les autres, les points de vue des locataires.

La Commission peut tenir des auditions oralement, en personne ou par téléphone, par écrit ou en partie oralement et en partie par écrit. Certains appels sont entendus uniquement par le commissaire en chef ou un commissaire en chef adjoint et certains appels sont entendus par un comité de trois composé d'un propriétaire et d'un représentant des locataires et soit le commissaire en chef ou un commissaire en chef adjoint en tant que président neutre. S'il n'y a pas de décision majoritaire, la décision du Président neutre est la décision de la Commission.

À compter du 3 juin 2019, toutes les décisions de la Commission sont définitives et exécutoires. Cependant, le commissaire en chef peut corriger ou modifier une décision ou une ordonnance de la Commission dans circonstances limitées, telles qu'énoncées aux articles 171.01 et 160.1(1) de la *Loi sur la location à usage d'habitation*.

La *Loi sur la location à usage d'habitation* exige du commissaire en chef qu'il soumette au ministre un rapport sur l'administration de la *Loi* six mois après la fin de chaque exercice. La période visée par le présent rapport est l'exercice se terminant le 31 mars 2025. Des chiffres correspondant à l'exercice se terminant le 31 mars 2024 sont également fournis à des fins de comparaison. Les statistiques sont fractionnées par activité (p. ex., dépôts de garantie, réparations, services publics).

APPEAL ACTIVITY SUMMARY

PARTS 1 – 8 OF THE RESIDENTIAL TENANCIES ACT

Parts 1 – 8 of the RTA deal with all residential landlord and tenant matters, except for rent regulation. Table 1 provides a statistical summary of the activities of the Commission under Parts 1 – 8 of the RTA. Between April 1, 2024 and March 31, 2025, the Commission received 453 appeals under Parts 1 – 8 of the RTA. The Commission received 372 appeals of orders resulting from Branch hearings and 36 appeals of claims for security deposit or less. The remaining 45 appeals were related to orders to repair, abandonment, utilities, distraint/lockout and administrative penalties.

The Commission processed 460 cases from April 1, 2024 to March 31, 2025. The Commission confirmed or upheld the Branch's decisions in 161 instances. The Commission varied 191 of the Branch's decisions. These variations sometimes occurred because the Commission received information from the parties at the appeal hearing that the Branch did not have before issuing its decision. The Commission rescinded 63 decisions of the Branch. Another 45 appeals were either rejected by the Commission, withdrawn or cancelled by the appellant. Most rejections are caused by late appeals or appeals without a filing fee. Withdrawals are usually due to either: (1) the affected parties being able to reach a settlement; or (2) the appellant changing their mind and no longer wishing to continue with the appeal. There were 48 motions to extend time to appeal denied.

A person who did not attend or otherwise participate in the hearing before the Director cannot appeal an order granting an order of possession to a landlord for the termination of the tenancy for non-payment of rent or a tenant services charge, unless the Commission, on application, grants the person leave to appeal. The Commission received 59 applications for leave to appeal, 20 were granted leave and 39 were denied. The Commission received 31 requests to correct or amend an order. Five orders were amended, and the remaining 26 orders were upheld.

SOMMAIRES DES ACTIVITÉS RELATIVES AUX APPELS

PARTIES 1 À 8 DE LA LOI SUR LA LOCATION À USAGE D'HABITATION

Les parties 1 à 8 de la *Loi sur la location à usage d'habitation* statuent sur l'ensemble des questions afférentes au locateur et au locataire d'habitation, exception faite du contrôle du loyer. Le tableau n° 1 présente un résumé statistique des activités exercées par la Commission de la location à usage d'habitation en vertu des parties 1 à 8 de la *Loi*. Entre le 1^{er} avril 2024 et le 31 mars 2025, la Commission a reçu 453 appels relativement aux parties 1 à 8 de la *Loi sur la location à usage d'habitation*. La Commission a reçu 372 appels d'ordres provenant d'audiences de la Direction et 36 appels de réclamations du dépôt de garantie ou moins. Les 45 réalisés aux ordres de réparation, abandon, services publics, saisie/lock-out et sanctions administratives.

Entre le 1^{er} avril 2024 et le 31 mars 2025, la Commission a traité 460 causes. Dans 161 cas, la Commission a confirmé ou soutenu les décisions de la Direction de la location à usage d'habitation. La Commission a aussi modifié 191 décisions de la Direction. Parfois, ces modifications ont été dues au fait que la Commission a reçu au cours de l'audience d'appel des renseignements des parties que la Direction n'avait pas avant de rendre sa décision. La Commission a également annulé 63 décisions de la Direction, et 45 autres appels ont aussi été rejetés par la Commission, ou retirés ou annulés par l'appelant. La plupart des rejets sont causés par des appels en retard ou sans frais d'administration. Les raisons des retraits tiennent généralement du fait que : (1) les parties concernées ont pu arriver à une entente; ou (2) l'appelant a changé d'avis et ne souhaite pas poursuivre le processus d'appel. La Commission a aussi rejeté 48 motions en prorogation du délai d'appel.

Toute personne qui ne s'est pas présenté à l'audience devant le directeur ou qui n'a pas participé à celle-ci ne peut pas interjeter appel d'un ordre autorisant un ordre de reprise de possession à un locateur relativement à la résiliation d'une location pour non-paiement de loyer ou des frais de services aux locataires, à moins que la Commission, au moment de la demande, accorde à cette personne l'autorisation d'appel. La Commission a reçu 59 demandes d'autorisation d'appel : elle en a accordé 20 et rejeté 39. La Commission a reçu 31 demandes ou de correction ou de modification d'une ordonnance. Cinq commandes ont été modifiées et les 26 ordonnances restantes ont été confirmées.

TABLE 1 – APPEALS

**STATISTICAL SUMMARY FOR MANITOBA
PARTS 1 – 8 OF THE RESIDENTIAL TENANCIES ACT**

	April 1, 2023 – March 31, 2024 (Cases)	April 1, 2024 – March 31, 2025 (Cases)
<u>ADMINISTRATIVE PENALTIES</u>		
Carried forward from previous year	0	0
Appeals Received	0	9
TOTAL	0	9
Decisions Confirmed	0	0
Decisions Varied	0	0
TOTAL APPEALS CLOSED	0	0
ACTIVE	0	9
<u>CLAIM FOR SECURITY DEPOSIT OR LESS</u>		
Carried forward from previous year	40	42
Appeals Received	49	36
TOTAL	89	78
Decisions Confirmed	18	13
Decisions Varied	20	17
Decisions Rescinded	8	5
Appeals Withdrawn/Rejected	1	3
Cancelled	0	0
TOTAL APPEALS CLOSED	47	38
ACTIVE	42	40
<u>DISPUTES</u>		
Carried forward from previous year	0	0
Appeals Received	0	0
TOTAL	0	0
Decisions Varied	0	0
Decisions Rescinded	0	0
Appeals Withdrawn/Rejected	0	0
Cancelled	0	0
TOTAL APPEALS CLOSED	0	0
ACTIVE	0	0

TABLE 1 – APPEALS

**STATISTICAL SUMMARY FOR MANITOBA
PARTS 1 – 8 OF THE RESIDENTIAL TENANCIES ACT**

	April 1, 2023 – March 31, 2024 (Cases)	April 1, 2024 – March 31, 2025 (Cases)
<u>DISTRAINT AND LOCKOUT</u>		
Carried forward from previous year	0	1
Appeals Received	1	3
TOTAL	1	4
Decisions Confirmed	0	0
Decisions Varied	0	1
Decisions Withdrawn	0	0
Decisions Rescinded	0	1
TOTAL APPEALS CLOSED	0	2
ACTIVE	1	2
<u>ENFORCEMENT</u>		
Carried forward from previous year	0	1
Appeals Received	2	1
TOTAL	2	2
Decisions Confirmed	0	2
Decisions Varied	1	0
TOTAL APPEALS CLOSED	1	2
ACTIVE	1	0
<u>ORDER OF POSSESSION AND CLAIM HEARINGS</u>		
Carried forward from previous year	216	267
Appeals Received	406	372
TOTAL	622	639
Decisions Confirmed	127	134
Decisions Varied	143	164
Decisions Rescinded	45	57
Appeals Withdrawn/Rejected	32	30
Cancelled	8	9
TOTAL APPEALS CLOSED	355	394
ACTIVE	267	245

TABLE 1 – APPEALS

**STATISTICAL SUMMARY FOR MANITOBA
PARTS 1 – 8 OF THE RESIDENTIAL TENANCIES ACT**

	April 1, 2023 – March 31, 2024 (Cases)	April 1, 2024 – March 31, 2025 (Cases)
<u>REPAIRS</u>		
Carried forward from previous year	9	6
Appeals Received	28	31
TOTAL	37	37
Decisions Confirmed	10	11
Decisions Varied	13	9
Decisions Rescinded	1	0
Cancelled	0	0
Appeals Withdrawn/Rejected	7	3
TOTAL APPEALS CLOSED	31	23
ACTIVE	6	14
<u>UTILITIES</u>		
Carried forward from previous year	0	0
Appeals Received	7	1
TOTAL	7	1
Decisions Confirmed	7	1
Decisions Varied	0	0
Decisions Rescinded	0	0
Appeals Withdrawn/Rejected	0	0
Cancelled	0	0
TOTAL APPEALS CLOSED	7	1
ACTIVE	0	0
<u>ABANDONMENT</u>		
Carried forward from previous year	0	0
Appeals Received	1	0
TOTAL	1	0
Decisions Varied	0	0
Canceled	1	0
TOTAL APPEALS CLOSED	1	0
ACTIVE	0	0

TABLE 1 – APPEALS

**STATISTICAL SUMMARY FOR MANITOBA
PARTS 1 – 8 OF THE RESIDENTIAL TENANCIES ACT**

	April 1, 2023 – March 31, 2024 (Cases)	April 1, 2024 – March 31, 2025 (Cases)
<u>TOTAL APPEALS</u>		
Carried forward from previous year	265	317
Appeals Received	494	453
TOTAL	759	770
Decisions Confirmed	162	161
Decisions Varied	177	191
Decisions Rescinded	54	63
Appeals Withdrawn/Rejected	40	36
Cancelled	9	9
TOTAL APPEALS CLOSED	442	460
ACTIVE	317	310

	April 1, 2023 – March 31, 2024 (Cases)	April 1, 2024 – March 31, 2025 (Cases)
<u>LEAVE TO APPEAL APPLICATIONS TO THE RESIDENTIAL TENANCIES COMMISSION</u>		
Carried forward from previous year	0	0
Applications Received	84	59
TOTAL	84	59
Leave to Appeal Granted	28	20
Leave to Appeal Denied	56	39
TOTAL APPEALS CLOSED	84	59
ACTIVE	0	0

APPEAL ACTIVITY SUMMARY

PART 9 OF THE RESIDENTIAL TENANCIES ACT

The Commission received appeals for 81 buildings affecting 1079 rental units on orders the Branch issued under Part 9 of the RTA between April 1, 2024 and March 31, 2025.

The Commission processed appeals on orders for 86 buildings affecting 1298 rental units in the fiscal year ending March 31, 2025. The Commission upheld orders on 472 units in 50 buildings and varied orders on 219 units in 11 buildings. These variations sometimes occurred because the Commission received information at the appeal hearing that the Branch did not have before issuing its decision. Appeals in 25 other buildings affecting 607 units were either rejected by the Commission or withdrawn or cancelled by the appellant.

SOMMAIRES DES ACTIVITÉS RELATIVES AUX APPELS

PARTIE 9 DE LA LOI SUR LA LOCATION À USAGE D'HABITATION

La Commission a reçu des appels pour 81 immeubles comptant 1079 unités locatives relativement à des ordres rendus par la Direction de la location à usage d'habitation en vertu de la partie 9 de la Loi sur la location à usage d'habitation entre le 1^{er} avril 2024 et le 31 mars 2025.

La Commission a traité des appels d'ordres pour 86 immeubles comptant 1298 unités locatives pendant l'exercice se terminant le 31 mars 2025. La Commission a confirmé les ordres concernant 472 unités dans 50 immeubles et a modifié les ordres concernant 219 unités dans 11 immeubles. Parfois, ces modifications ont été dues au fait que la Commission a reçu au cours de l'audience d'appel des renseignements que la Direction n'avait pas avant de rendre sa décision. Des appels concernant 25 autres immeubles comptant 607 unités ont été rejetés par la Commission, ou retirés ou annulés par l'appelant.

TABLE 2 – APPEALS

**STATISTICAL SUMMARY FOR MANITOBA
PART 9 OF THE RESIDENTIAL TENANCIES ACT**

	April 1, 2023 – March 31, 2024		April 1, 2024 – March 31, 2025	
	Bldgs.	Units	Bldgs.	Units
APPLICATION - LAUNDRY INCREASE				
Carried forward from previous year	0	0	0	0
Appeals Received	0	0	0	0
TOTAL	0	0	0	0
Decisions Varied	0	0	0	0
Appeals Withdrawn/Rejected	0	0	0	0
TOTAL APPEALS CLOSED	0	0	0	0
ACTIVE	0	0	0	0
APPLICATION – REHABILITATION				
Carried forward from previous year	4	18	5	19
Appeals Received	4	5	4	5
TOTAL	8	23	9	24
Decisions Confirmed	0	0	0	0
Decisions Varied	0	0	0	0
Decisions Canceled	1	1	0	0
Appeals Withdrawn/Rejected	2	3	2	2
TOTAL APPEALS CLOSED	3	4	2	2
ACTIVE	5	19	7	22
LIFE LEASE				
Carried forward from previous year	1	1	0	0
Appeals Received	0	0	2	116
TOTAL	1	1	2	116
Decisions Confirmed	0	0	0	0
Appeals Withdrawn/Rejected	1	1	0	0
TOTAL APPEALS CLOSED	1	1	0	0
ACTIVE	0	0	2	116

TABLE 2 – APPEALS

**STATISTICAL SUMMARY FOR MANITOBA
PART 9 OF THE RESIDENTIAL TENANCIES ACT**

	April 1, 2023 – March 31, 2024		April 1, 2024 – March 31, 2025	
	Bldgs.	Units	Bldgs.	Units
APPLICATION - WITHDRAWAL OF SERVICE				
Carried forward from previous year	1	2	0	0
Appeals Received	0	0	4	34
TOTAL	1	2	4	34
Decisions Confirmed	0	0	0	0
Decisions Varied	0	0	0	0
Appeals Withdrawn/Rejected	0	0	0	0
Appeals Cancelled	1	2	0	0
TOTAL APPEALS CLOSED	1	2	0	0
ACTIVE	0	0	4	34
COMPLIANCE				
Carried forward from previous year	12	78	12	22
Appeals Received	13	17	20	71
TOTAL	25	95	32	93
Decisions Confirmed	5	12	4	8
Decisions Varied	6	59	6	6
Appeals Withdrawn/Rejected	2	2	2	2
Appeals Rescinded	0	0	1	1
TOTAL APPEALS CLOSED	13	73	13	17
ACTIVE	12	22	19	76

TABLE 2 - APPEALS

**STATISTICAL SUMMARY FOR MANITOBA
PART 9 OF THE RESIDENTIAL TENANCIES ACT**

	April 1, 2023 – March 31, 2024		April 1, 2024 – March 31, 2025	
	Bldgs.	Units	Bldgs.	Units
APPLICATION – RENT INCREASE ABOVE GUIDELINE				
Carried forward from previous year	35	455	60	960
Appeals Received	73	1182	51	853
TOTAL	108	1637	111	1813
Decisions Confirmed	29	288	46	464
Decisions Varied	3	31	5	213
Appeals Withdrawn/Rejected	14	17	18	230
Appeals Cancelled	2	341	2	372
TOTAL APPEALS CLOSED	48	677	71	1279
ACTIVE	60	960	40	534

TABLE 2 - APPEALS

**STATISTICAL SUMMARY FOR MANITOBA
PART 9 OF THE RESIDENTIAL TENANCIES ACT**

	April 1, 2023 – March 31, 2024		April 1, 2024 – March 31, 2025	
	Bldgs.	Units	Bldgs.	Units
TOTAL APPEALS				
Carried forward from previous year	53	554	77	1001
Appeals Received	90	1204	81	1079
TOTAL	143	1758	158	2080
Decisions Confirmed	34	300	50	472
Decisions Varied	9	90	11	219
Appeals Withdrawn/Rejected	19	23	22	234
Appeals Rescinded	0	0	1	1
Appeals Cancelled	4	344	2	372
TOTAL APPEALS CLOSED	66	757	86	1298
ACTIVE	77	1001	72	782

TABLE 3

MOTION FOR EXTENSION OF TIME TO APPEAL

	April 1, 2023 – March 31, 2024 (Cases)	April 1, 2024 – March 31, 2025 (Cases)
<u>MOTIONS FOR EXTENSION OF TIME TO APPEAL</u>		
Carried forward from previous year	0	0
Applications Received	97	70
TOTAL	97	70
Decisions Denied	59	48
Decisions Granted	38	22
TOTAL	97	70
ACTIVE	0	0

TABLE 4

REQUEST TO CORRECT OR AMEND AN ORDER

	April 1, 2023 – March 31, 2024 (Cases)	April 1, 2024 – March 31, 2025 (Cases)
<u>REQUEST TO CORRECT OR AMEND AN ORDER</u>		
Carried forward from previous year	0	0
Applications Received	17	31
TOTAL	17	31
Decisions Denied	15	26
Decisions Granted	2	5
TOTAL	17	31
ACTIVE	0	0

SIGNIFICANT DECISIONS

SIGNIFICANT DECISIONS

The following are summaries of significant decisions of the Commission and the reasons for the decisions that were issued in the 2024-25 fiscal year.

1. Order of Possession (OP) Not Granted – Landlords failed to give confirmation in writing after receiving payment that they intended to treat the tenancies as terminated so landlord waived their right to terminate the tenancies

If a tenant is more than three days late paying their rent, their landlord can terminate the tenancy by issuing a notice of termination and ask for an OP (sections 95.1(1) and 154(1) of the RTA). A landlord waives the right to terminate the tenancy by accepting late payment of the total amount owed unless, at the time of accepting payment, the landlord confirms in writing that they intend to treat the agreement as terminated (section 95.1(3)). Written confirmation is typically called a “habitually late letter”, which is a sample form provided by the Branch. There is nothing in the RTA that states landlords are only required to provide one habitually late letter after the tenancy has been terminated. The Branch and Commission have found that each and every time tenants have paid the amount owing in full, the landlord must provide a habitually late letter. If a landlord terminates for non-payment of rent, the tenant pays in full, and the landlord provides the habitually late letter, an OP will only be granted if the tenant has also been habitually late paying their rent (section 95.1(5)).

In one case, the tenants paid the rent in full after the landlord issued the notice of termination for non-payment of rent. The landlord then gave them a habitually late letter stating that they intended to treat the agreement as terminated. The tenants did not pay the next month’s rent in full, so the landlord applied for an OP. Because the tenants continued to owe rent as of the date of the Branch hearing, the Branch granted the OP. The tenants appealed to the Commission.

Between the Branch hearing and the Commission hearing, the tenants paid their rent in full. The landlord did not give the tenants another habitually late letter confirming that they intended to treat the agreement as terminated. The Commission found an OP could not be granted because the landlord waived their right to terminate the tenancy pursuant to section 95.1(3) of the RTA by failing to provide another habitually late letter.

In another case, the tenants owed rent as of the date of the Branch hearing and the Branch granted an OP for non-payment of rent. The tenant appealed to the Commission.

Between the Branch hearing and the Commission hearing, the tenant paid the rent and late payment fees in full. The landlord did not provide the tenant with a habitually late letter. The Commission again found that an OP could not be granted because the landlord waived their right to terminate the tenancy pursuant to section 95.1(3) of the RTA. The habitually late letter must be provided to the tenant before the Commission can consider whether the tenant has been habitually late in paying the rent.

2. Tenants Not Entitled to Terminate the Tenancy – Need more than a tenant’s subjective belief that the rental unit has mold to justify terminating the tenancy with only a few days notice

The tenants signed a one-year fixed term tenancy but moved out before the end of the tenancy and stopped paying the rent. The tenants said they moved out because the rental unit needed repairs and was “full of mold”. The tenants suggested that a pet got sick and died because of the condition of the rental unit.

Termination for a landlord’s contravention of the RTA or tenancy agreement is addressed in s. 89(1) of the RTA. A tenant may give the landlord a notice of termination if the landlord contravenes or fails to comply with their obligation to repair and the landlord fails to remedy the contravention within a reasonable time after receiving written notice to do so by the tenant (section 89(1)(a)). Tenants must give notice of not less than one rental payment period (section 89(2)) or five days if there is a health or safety risk (section 89(3)). If the landlord’s contravention makes the rental unit uninhabitable, a tenant may give a notice of termination effective immediately (section 89(4)).

There was no evidence that the tenants ever gave written notice of repairs or a mold problem to the landlord. There was no evidence that the tenants ever contacted the Branch to file a request for repairs or public health about a mold problem. While the tenants believed the unit had mold, no evidence was presented beyond the subjective belief of the tenants that the unit had mold that was a health or safety risk or that made the unit uninhabitable. It was not enough for the tenants to assert the unit had mold. The tenants could have involved the Branch and public health. The Commission found the tenants abandoned the rental unit because they moved out of the rental unit without terminating the tenancy in accordance with the RTA.

3. Landlord Claim for Rent After Tenant Abandonment – Landlords must show they took reasonable efforts to find new tenants when claiming compensation for rent

A landlord has a duty to mitigate their losses (section 55(2) of the RTA) and endeavour to re-rent an abandoned rental unit as soon as practicable (section 55(3)). A landlord is required to satisfy the Commission that they made reasonable efforts to mitigate their losses.

In one case, the Commission found that the tenants abandoned the rental unit when they moved out three and a half months before the end of the tenancy and failed to pay the last three months of rent. The landlord was asked about their efforts to re-rent the unit. They stated they put a “for rent” sign on the front of the rental unit and referred to a photo filed into evidence. Despite having used social media and online platforms in the past, the landlord did not advertise the unit on online platforms, on social media or in any other form. They said the neighbourhood in which the rental unit is located is a family area and that advertising on an online platform would not get tenants suitable for the area.

The Commission was not satisfied that the landlord made reasonable efforts to re-rent the unit. The Commission found that it was not enough to put a sign up in front of the rental unit such that only those who happen to drive or walk by the unit could see it was for rent. There are a multitude of ways landlords can advertise units. While the landlord may have preferred to simply put up a sign to attract those who pass by the unit, the Commission was not satisfied that this preference satisfied the landlord’s duty to mitigate their losses (s. 55(2)) and endeavour to re-rent the rental unit that is abandoned as soon as practicable (s. 55(3)). The landlord was awarded some compensation because the Commission found it takes time to find new tenants even when reasonable efforts are made.

In another case, the tenants decided to move out of the rental unit before the end of the tenancy agreement and were not able to assign the unit to new tenants before moving out. The landlord and tenants all agreed the unit was desirable because it was a three-bedroom unit. Despite this, it took the landlord several months to find new tenants.

Evidence was presented regarding efforts made to assign the unit before the tenants moved out. There was no evidence from the landlord about what inquiries were made or responded to from prospective tenants after the landlord regained possession.

The landlord said the delay in securing new tenants was in part due to damage caused by the tenants and the tenants’ failure to leave the unit ordinarily clean. The Commission found the landlord did not provide any explanation for why it took several weeks to do repairs and cleaning the unit after the tenants gave notice and after the landlord regained possession. Given the amount of notice the landlord had and the desirable nature of the unit, the Commission found that the landlord ought to have rented the unit by much earlier than it was rented. Compensation to the landlord was limited to one month of rent.

4. Limitation of Acts – The new limitations legislation does not apply but the landlord’s limitation had already expired when the changes came into effect

The landlord’s claim was filed on October 3, 2022. The tenancy ended in 2014. The tenant argued that the landlord’s claim should be dismissed because it was out of time.

There is legislation in Manitoba that sets out the deadline to file a claim against someone else. The current legislation is called The Limitations Act, and the previous legislation was called The Limitation of Actions Act. The transition from The Limitation of Actions Act to The Limitations Act took place on September 30, 2022, and it included an overhaul of the legislation. One of the significant changes was that The Limitations Act (the current act) now applies to “court proceedings”, whereas The Limitation of Actions Act (the previous act) applied to “actions”. Proceedings before the Branch and the Commission are not “court proceedings” but they are “actions” so the timeframes in the current act do not apply to matters before the Branch and Commission.

While the timeframes in the current act do not apply, the current act states that if the limitation for filing an action had already expired before changes came into effect, then the claim remains out of time (section 30 of the current act).

Under the previous act, the landlord had six years to file their claim from the date the “cause of action arose” as set out in section 2(1)(i). The “cause of action arose” when the tenancy ended, so the landlord would have had to file a claim in 2020. Because the landlord’s claim was not filed until 2022, the Commission found that the landlord’s limitation had already expired when the changes to the limitations legislation came into effect. The landlord’s claim was out of time.

5. Rent Regulation – A landlord cannot bypass rent regulation and charge “market rent” because they believe it is fair and reasonable to do so

The landlord charged more rent than what was permitted under the RTA. The landlord asked for the Commission to adjourn their decision on setting the rent until the rent regulation legislation changed. The landlord also asked the Commission to set the rent based on the rent the landlord has been charging.

The landlord submitted that the legislation about rent regulation is too rigid, unduly onerous on landlords and does not assist with the goals of ensuring access to affordable housing. The landlord argued that to strictly apply the legislation to this situation would be unfair to the landlord and would result in a windfall to the tenant.

The Commission found that there is no current proposed legislative amendment which would address the issues the landlords argued are unfair to them. Even if such a legislative proposal did exist, it would have been inappropriate to adjourn a rent determination because the legislation may be amended in the future. The Commission’s function is to apply the legislation as drafted. Its role is not to advocate for legislative reform.

The Commission found that the landlord charged more rent than they were permitted to charge under the legislation despite their assertions they were charging “market rent”. The Commission set the rent based on what was permitted under the legislation and ordered the landlord to reimburse the tenant for rent overpayments.

The Public Interest Disclosure (Whistleblower Protection) Act

The Public Interest Disclosure (Whistleblower Protection) Act (PIDA) came into effect in April 2007. PIDA gives employees a clear process for disclosing concerns about significant and serious matters (wrongdoing) in the Manitoba public service and strengthens protection from reprisal. PIDA builds on protections already in place under other statutes, as well as collective bargaining rights, policies, practices and processes in the Manitoba public service.

Wrongdoing under PIDA may be: contravention of federal or provincial legislation; an act or omission that endangers public safety, public health or the environment; gross mismanagement; or, knowingly directing or counseling a person to commit a wrongdoing. PIDA is not intended to deal with routine operational or administrative matters.

A disclosure made by an employee in good faith, in accordance with the PIDA, and with a reasonable belief that wrongdoing has been or is about to be committed is considered to be a disclosure under PIDA, whether or not the subject matter constitutes wrongdoing.

All disclosures receive careful and thorough review to determine if action is required under PIDA, and must be reported in a department's annual report in accordance with section 18 of PIDA. The Commission has received an exemption from the Ombudsman under section 7 of PIDA. As a result, any disclosures received by the Chief Commissioner or a supervisor are referred to the Ombudsman in accordance with the exemption.

The following is a summary of disclosures received by the Commission for April 1, 2024 to March 31, 2025:

Information Required Annually (per Section 18 of the PIDA)	April 1, 2024 to March 31, 2025
The number of disclosures received, and the number acted on and not acted on. Subsection 18(2)(a)	NIL