

Manufactured
Housing Association
of Atlantic Canada

Association de
l'habitation usinée
du Canada atlantique



Introduction: Kevin Arbuckle, Director of Property Management (MHC) at Killam Properties Inc. and speaking on behalf of the Manufactured Housing Association of Atlantic Canada.

I would first like to take the opportunity to thank the Law Amendments Committee for the chance to be heard here today. I would also like to thank the Minister for Service Nova Scotia and Municipal Relations, the Hon. John MacDonell, and the Director of Residential Tenancy, Dean Johnston, for including the Manufactured Housing Association of Atlantic Canada (MHAAC) in the consultation process.

Overall, the MHAAC feels that the proposed changes to the Act will be positive and will help to balance the rights of tenants and landlords. These changes are long overdue and we believe that they will improve some of the long standing inefficiencies within the Act.

The biggest concern that the MHAAC has with the proposed changes to the Act is the omission in the text of Clause 2 of Bill 110. We feel that the intent of Clause 2 is a very good addition to the Act; however, the wording will not achieve the desired results. The purpose of this clause is to streamline the system for dealing with simple non-payment of rents and to reduce the work load for the Tenancy Officers. However, the wording of Clause 2 of Bill 110 will actually increase the number of hearings, thereby over loading an already taxed system. As it is currently proposed, the new wording would mean that once the landlord has followed the appropriate steps to have a tenant evicted for non-payment of rent, the landlord may apply for an order requiring the tenant to pay any rent owing, **but ONLY for the month in which the notice is given.** Therefore, any additional rent owing prior to the month of notice will require the landlord to apply for another hearing.

Our Proposed Solution: Simply add the phrase "and any prior period rental arrears" to the end of Subsections 10 -6D (a), 6D(e) 6D (f) and 6E (b) and 6E (c).

The MHAAC is also very pleased with the decision to repeal Chapter 66 of the Acts of 2008, which deals with Landlord consent to allow a home to stay in a land lease community and to approve a new tenant. We feel that the proposed process in clause 1(b) of Bill 110 meets the desired intent of the repealed section, but does so in a way that is fair to both tenants and landlords. Our only concern with the proposed process has to do with privacy issues. Section 1A requires the current tenant who wants to sell their home, to apply to the Landlord for tenancy on behalf of the prospective new owner of the home. Section 1B says that the Landlord cannot "arbitrarily or unreasonably" withhold its consent. Section 1D requires the Landlord to respond within 10 days of the request. We are in agreement with these two steps, however, we have a concern with the process if the Landlord is refusing consent as a result of a credit and/or criminal reference check. The Privacy Act prevents the Landlord from making the current tenant aware that the prospective buyer has bad credit or a criminal record. This scenario would put the Landlord in the position of having to give written notice to the current tenant, as per 1D, that the buyer of their home is not approved as a tenant, but the Landlord will not be able to provide a reason. The Landlord would also not be able to share this information with a Tenancy Officer and this would be a problem, because it is certain that if a Landlord refused to grant consent without a reason, as would happen due to Privacy concerns, the tenant would take the matter to the tenancy board.

We are not sure if this can simply be dealt with in the wording of the regulations and the form to be produced by the Director of Tenancy. If dealing with it on the form is enough, then the proposed solution is simply to add the clause "I/we hereby authorize the release of information obtained by the landlord in relation to the consent of my/our tenancy to _____ (tenants)" and have same signed by the prospective tenant(s).

We appreciate having had the opportunity to participate in this process and look forward to working with the Director and his staff, as the regulations to support Clause 1(b) are developed (as per Clause 4). I would like to reiterate that the Privacy Act must be considered during this process, otherwise it may create unnecessary issues in the future that will require further changes. As for the new process for consent to allow homes to stay within the community, the MHAAC supports the comments made by Minister MacDonell to the House during the second reading of this Bill. Specifically, that "landlords will be able to request that sellers make upgrades to their manufactured homes only when required by municipal bylaws or community guidelines attached to the seller's lease..." This should bring clarity to both the tenant and the landlord in these situations.

Once again, thank you for your time and the opportunity to speak on this matter.