

Written Submission: Bill 467

Julia Anctil, September 16, 2024

The proposed amendments to the Tenancy Act disproportionately favour landlords, granting them greater power over tenants and further increasing the potential to undermine tenants' rights to secure and fair housing. Here's why:

Eviction Notice After 3 Days of Late Rent

Allowing landlords to serve an eviction notice if the tenant fails to pay rent within just three days after the due date is an unfairly harsh measure. Many tenants face temporary financial setbacks or delays beyond their control. For example, [Scotiabank](#) recently faced a technical issue that delayed payday deposits for many customers, causing unexpected financial hardship. In cases like this, tenants may not receive their paychecks on time through no fault of their own, yet they could face eviction within just days of a missed payment.

This amendment does not provide enough flexibility for tenants facing minor or short-term financial difficulties. Instead, it grants landlords excessive power to quickly remove tenants and raise rents. Tenants, especially those on a fixed income, could face eviction and homelessness due to brief, unintentional delays, while landlords benefit from the ability to quickly replace tenants with minimal disruption to their cash flow.

Evictions for Health and Safety Issues – A Dangerous Loophole

While it may seem reasonable to address tenant behavior that endangers health and safety, the vague wording of this amendment could lead to abuse. For example, landlords could easily misuse the "health and safety" clause as a pretext for removing tenants for minor disturbances or disagreements.

A concerning example involves a landlord in Eastern Passage who boarded up a tenant's second-floor bedroom egress window without consulting the tenant. By doing so, the landlord not only compromised the tenant's safety but also violated the tenant's right to a habitable living space.

Under this amendment, the tenant could face eviction for merely complaining about the landlord's unsafe actions, as landlords could argue that challenging their behavior "jeopardizes health and safety." This demonstrates a significant imbalance in power, allowing landlords to remove tenants who advocate for their own safety, while tenants may have little recourse to challenge these unjustified evictions.

Requirement to Provide Complete Contact Information – A Potential Oversight

The amendment requiring landlords to provide complete contact information to tenants is only meaningful if landlords comply. However, there is no clear penalty outlined for landlords who fail to provide this information in writing within 30 days of the legislative change.

This leaves tenants vulnerable to miscommunication, as they may be unable to reach landlords in emergencies or legal disputes. Without access to the landlord's contact details, tenants cannot

adequately address issues such as repairs or disputes, making it difficult to assert their rights. While tenants may seek legal recourse, this process can be burdensome and expensive, once again benefitting landlords who may delay or withhold contact details without consequence.

These amendments, while appearing to address legitimate concerns, ultimately place a heavier burden on tenants while providing landlords with increased power and opportunities to evict or manipulate tenants in ways that serve their own financial interests. The potential for abuse of these provisions is high, and tenants' rights must be better protected to ensure fairness and stability in housing.

Potential Negative Impacts of 5% Rent Cap

The proposed 5% rent cap until 2027 offers vital short-term protection for tenants by limiting rent increases and providing stability. However, there is potential for unintended consequences if landlords exploit loopholes. While the cap prevents excessive rent hikes, some landlords may resort to renovictions, hidden fees, or maximizing the annual 5% increase regardless of necessity. This could undermine the goal of affordability and create housing instability.

To ensure the cap benefits tenants, it must be paired with stronger protections against renovictions, clear regulations on additional fees, and enforcement mechanisms. Without these safeguards, landlords may find ways to sidestep the cap, which could reduce the availability of affordable housing and lower the quality of rental properties as landlords cut maintenance costs.

In conclusion, the proposed amendments to the Tenancy Act, though seemingly designed to address landlord concerns, disproportionately burden tenants and increase the risk of housing instability. Allowing eviction notices after just three days of late rent fails to account for temporary financial difficulties beyond tenants' control, putting many at risk of unjust removal. The vague "health and safety" provisions open the door to potential abuse, where landlords could evict tenants for minor disputes or complaints. Similarly, the lack of penalties for landlords who withhold contact information creates further barriers to tenant rights and protections. Finally, while the 5% rent cap provides important short-term relief, without strong enforcement and protections against loopholes like renovictions or hidden fees, it may inadvertently worsen housing conditions.

To protect tenants and maintain fairness, these amendments require substantial revisions, including clearer guidelines, enforcement mechanisms, and safeguards that prevent landlord abuses. Only by addressing these concerns can the Tenancy Act truly balance the interests of landlords and tenants, ensuring stable, affordable housing for Nova Scotians.