



48th Annual Conference | Victoria Conference Centre

RTA Roundtable:

*The Residential Tenancy Act's
Impact on the Seniors Living Sector*



#BCCPA2025

Land Acknowledgement

We acknowledge with respect and gratitude that we are gathered on the traditional and unceded territory of the **ləkʷəŋən-speaking peoples**, whose historical relationships with the land continue to this day. These lands are home to the **Esquimalt** and **Songhees Nations**, and we honour their stewardship of this territory for countless generations.

Purpose

To provide an overview and update of the Residential Tenancy Act issue as it pertains to Independent Living (IL) communities, and to seek our members' feedback on our advocacy approach and emerging directions.

Flow of the Session

- Welcome
- Background & Context
- BCCPA Advocacy Approach
- Emerging Directions
- Roundtable Discussion
- Next Steps



Lara Croll,
BCCPA

Background & Context

What's the Issue?

- The **Residential Tenancy Act (RTA)** regulates multi-residential housing in British Columbia, but historically there has been ambiguity about whether the RTA applies to seniors independent living (IL).
- We recognize that Independent Living provides a unique, enriched living model that provides housing, meals, housekeeping, laundry, meaningful activities, and safety and security.

Key Issues

Ill-Suited Regulations

Other aspects of the RTA legislation, such as tenant privacy, subletting, and provisions to end tenancy, aren't well aligned with IL.

Rent versus Service Costs

Inflationary pressures on food and labour far exceed the annual rent increase cap under the RTA, limiting operators' ability to cover rising costs.

What's the result? Ambiguity for both IL operators and residents, especially when a dispute arises.

Why Now?

Instigating Factors

OSA Report:

The Office of the Seniors Advocate's report, *Forgotten Rights: Seniors Not Afforded Equal Rent Protection*, calling for increased tenancy protections for older adults living in independent living (IL) and assisted living (AL) residences.

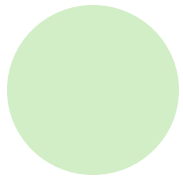
Inflationary Catch Up:

After several years where allowable rent increases were well below inflation, some operators have been forced to play 'catch up,' leading to some larger increases to the hospitality service package.

RTB Decisions:

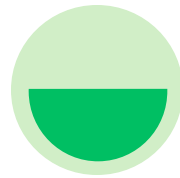
Inconsistent and adverse rulings are impacting IL operators, limiting the permitted increases to hospitality service packages.

Inconsistent RTB Decisions



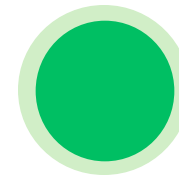
No Applicability

- The IL community is a housing-based health care facility.
- The RTA applies to neither rent nor the hospitality service package.



Partial Applicability

- The IL community is NOT a housing-based health care facility.
- The RTA applies to rent only.



Full Applicability

- The IL community is NOT a housing-based health care facility.
- The RTA applies to both rent and hospitality services.

Ministry of Housing's Latest Position

The Residential Tenancy Branch (RTB) has clarified their interpretation that as long as the hospitality service package is mandatory for residents, this cost is considered 'rent' and therefore subject to the RTA.



Tiffany Trownson,
BCCPA

Advocacy Approach

BCCPA's Government Relations Strategy

A stand-alone strategy to guide BCCPA in its engagement with the Government of BC and Residential Tenancy Board on the issue of the Residential Tenancy Act and its applicability to independent living.

The strategy is supported by the BCCPA Advocacy Committee, RTA Task Force, and Framepoint Public Affairs.

High Level Overview:

- Continue to engage with the government primarily through consultation.
- Avoid public escalation unless progress is no longer being made.
- Position BCCPA as the leading voice for the sector on the matter of the RTA.
- Avoid being overly critical in public to maintain BCCPA's reputation as a cooperative ally to the government.
- RTA Task Force and Advocacy Committee outreach to local NDP MLAs with IL communities in their ridings, requesting that the MLA speak with the Minister of Housing.
- Continue to focus on advocacy focused on long-term seniors' care capacity, overall inflation/cost increases and impact on the workforce and business in BC.

BCCPA Advocacy

(2024–2025)



Engaged **legal counsel Allison Foord (BLG)** to:

- Develop contract templates to separate rent and hospitality services.
- Present a legal opinion on RTA applicability to IL at a member webinar
- Draft a letter to Hon. Ravi Kahlon, Minister of Housing, expressing concerns over the OSA report and requesting intervention.



- Held discussions with **OSA Dan Levitt** on balanced RTA solutions
- Requested an urgent meeting with **Minister Kahlon**



- Met **Minister Kahlon**, to advocate for RTA abeyance and consideration of 2006 Amendments as a model
- Received a letter from **Deputy Minister Teri Collins** stating that, until further notice, RTA applies to both rent and mandatory hospitality services



- Established **RTA Task Force**
 - Participated in **2 consultation meetings** with the Ministry of Housing and RTB.
- Stakeholder Engagements:**
- **MLA Gavin Dew:** (*business and workforce impacts*)
 - **ADM Meghan Will:** (*RTB and interim solutions*)
 - **Premier's Policy Advisor Megan Sali** (indicated that this is a Housing issue, but wanted progress updates.)
 - Presented RTA issues at the **SenbridGe West Conference**.



RTA Task Force

Acknowledging the importance of this issue, BCCPA has established a dedicated Task Force, which reports to the Association's Advocacy Committee.

It will provide suggestions on both short-term and long-term solutions that can be put forward to the government.

It will make recommendations to the Advocacy Committee that are to be ratified by the BCCPA Board of Directors

Members

- **Marc Kinna** – Baptist Housing
- **Celeste Mullin** – Golden Life Management
- **Sharon Ranalli** – Chartwell Retirement Residences
- **Andrea Prashad** – Amica Senior Lifestyles
- **Graham Freeman** – West Coast Seniors Housing Management
- **Mike Lavalee** – Seasons/Tapestry
- **Mark Dobson** – Cogir Seniors Living
- **Nancy Webb** – Sienna Seniors Living

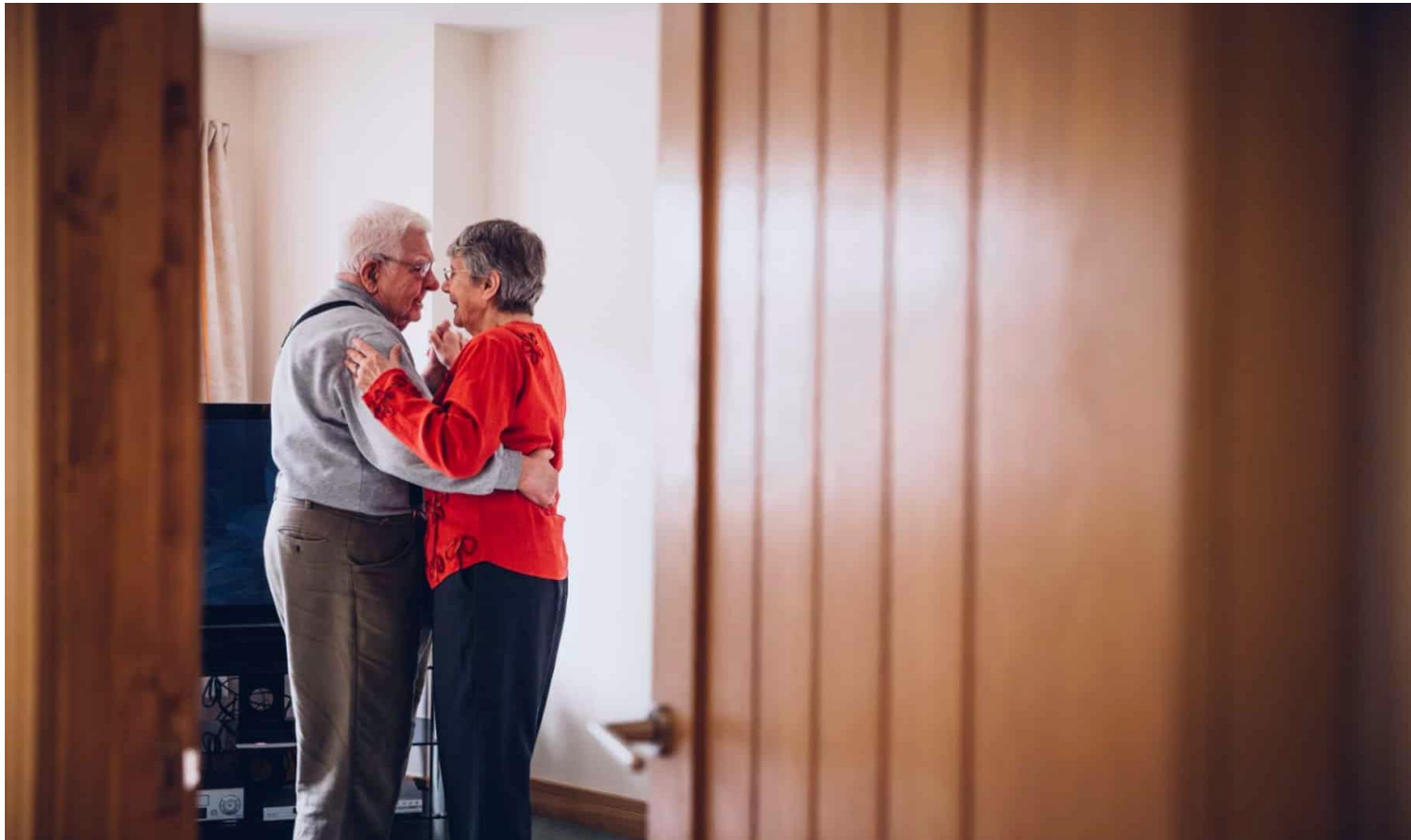
RTB Consultations

The RTA task force met with RTB representatives in early April, to help the government understand what makes the IL business model distinct from other multi-residential housing.

Key Points Discussed:

- **Cost Pressures:**
Inflation (especially on food and labour) outpaces the RTA allowable rent increases, resulting in operators not being able to cover expenses/cost pressures.
- **Mandatory Hospitality Packages:**
IL tenants cannot opt out of hospitality services. The business model will not support it.
- **Consequences of Cost Misalignment:**
 - Operators can't sustain services under the current rent caps.
 - New tenants bear higher entry fees.
 - Service quality may drop.
 - Some operators risk going out of business.

Takeaway Message: Without policy or regulatory solutions, IL communities face an unsustainable future, threatening affordability, service quality, and operational viability.



Marc Kinna,
Baptist Housing

Emerging Direction

Emerging Approach

Interim Solution (<6 months)

- Address the immediate issue of cost increases to the hospitality service package.

Long-Term Solution (18 – 24 months)

- Confirm a solution that ensure the sustainability of the hospitality service package for both operators and tenants.
- Develop dedicated legislation to address the unique aspects of seniors independent living that are not well addressed by the current RTA, e.g., *tenancy privacy, ending tenancy, dispute resolution, etc.*

Proposed Solutions

Service costs
increases
limited at
current RTA
maximum

Status quo

Allow rates
to be
increased by
inflation + a
set %

Regulatory

Allow rate
increases based
on a measure of
inflation for
food, labour,
etc.

Regulatory

Application for
an additional
rate increase
based on costs
(on a case-by-
case basis)

Regulatory

Service cost
increases not
limited under
the RTA

Legislative

Exempt
independent
living from the
RTA

Legislative



Marc Kinna,
Baptist Housing

Roundtable Discussion

Impacts & Challenges

Is your organization/company experiencing challenges with annual increases to its hospitality service packages?

- a) What specific impacts have these challenges had on your operations and residents?
- b) Looking ahead, what do you see as the most significant potential impacts of these challenges?

Interim Solutions

Of the interim solutions currently being considered by the government, which ones do you believe are the most feasible for your operations?

- a) What benefits or drawbacks do you foresee with these interim measures?
- b) Are there any adjustments that would make these solutions more workable?

Long-Term Solutions

If the government were to develop a legislative solution, what are the most critical issues that need to be addressed?

- a) Beyond the issue of hospitality cost increases, what other gaps do you see?
- b) What potential pitfalls should be avoided to ensure the solution is effective and sustainable?

Thank You



Appendix



RTA and IL Communities

Some provisions of the RTA are ill-suited to Seniors Living Communities:

- **Rent and hospitality increases**

- Yearly rent increases are limited by the RTA to keep rents affordable, but there is ambiguity as to whether this also limits increases to the hospitality service package.
- Recent RTB decisions have been inconsistent, ruling at times that IL operators cannot increase the hospitality package by more than the amount allowed by the RTA (e.g., 3% in 2025).

- **Tenant privacy**

- The RTA limits the ability of landlords to enter a tenant's suite, requiring 24-hours notice.
- Limits the ability of IL staff to check on residents who do not appear, undermining the enhanced feeling of safety of living in a congregate setting.

- **Ending tenancy**

- The RTA doesn't provide any mechanisms for IL operators to end tenancy when a client's care needs progress beyond what can safely be provided within the residence.
- Also doesn't allow tenants to end tenancy on short notice when they need to move to a higher level of care (such as after a hospital stay).

- **Dispute resolution**

- The RTB is seen as a dispute resolution process for all issues, despite only having jurisdiction over tenancy/rent issues.

Inflation Rates versus Allowable RTA Increases

The Minister should note that this is well below the average rate of inflation in B.C. over the last five years, which has been up to 6.6%!

| Year | RTA Increase | BC Inflation Rate |
|------|--------------|-------------------|
| 2020 | 0% | 1.2% |
| 2021 | 0% | 4.7% |
| 2022 | 1.5% | 6.6% |
| 2023 | 2.0% | 3.9% |
| 2024 | 3.5% | 2.4% |

Other Jurisdictional Approaches

| | British Columbia | Alberta | Ontario |
|-------------------------------------|------------------------|---|---|
| Tenancy Agreement Required | Yes | Yes | Yes |
| Service Agreement Required | No | Yes, can be combined with tenancy agreement | Yes, can be combined with tenancy agreement |
| Rent Increases Limited | Disputed | No | Yes |
| Hospitality Increases Limited | Disputed | No | No |
| Access to Tenant's Suite | Limited | Permitted | Permitted |
| Ending Tenancy (Higher Care Needed) | General RTA provisions | Policies to (re)assess risk to clients. | Can apply to transfer tenant |
| Ending Tenancy (Death) | General RTA provisions | Not specified. | Special provisions apply |

A Past Legislative Solution

- This is not the B.C. government's first attempt to address this issue.
- In May 2006, the government of the day passed Bill 27 (2006), the [Tenancy Statutes Amendment Act](#), which included amendments to the RTA.
- Included special provisions to address the unique circumstances for clients of **assisted living** and **supported living communities**.
- However, these provisions were never proclaimed and remain inactive to this day. It is unclear why these provisions were never brought into force, but perhaps due to impacts on assisted living.
- BCCPA had suggested that this legislation can serve as a possible template to guide reform on this issue.

Summary of 2006 Legislation

| Provisions | 2006 Legislation | Details |
|-------------------------------------|--------------------|---|
| Written Agreement Required | Yes | <ul style="list-style-type: none"> Written service agreement to outline hospitality and personal care services provided, including the cost. Agreement is separate from the tenancy agreement. |
| Hospitality Increases Limited | No | <ul style="list-style-type: none"> Can increase the cost of hospitality and personal care service package as needed. 3 months notice required. |
| Access to Tenant's Suite | Permitted | <ul style="list-style-type: none"> Can enter to provide personal care and hospitality services. Can enter in the event of an emergency, where the tenant's health and safety is at risk. |
| Ending Tenancy (Higher Care Needed) | Special Provisions | <ul style="list-style-type: none"> 3 months notice required for situations where the client requires services that the landlord does not provide. Operator can apply for a shorter notice period, such as where there is a serious risk to health and safety. |
| Ending Tenancy (Death) | N/A | <ul style="list-style-type: none"> Not addressed. |
| Assignments & Subletting | Permitted | <ul style="list-style-type: none"> The operator can determine if assignments and sublets are permitted. |
| Conflict with Existing Legislation | Addressed | <ul style="list-style-type: none"> If there is any conflict with the Community Care and Assisted Living Act (CCALA), then CCALA shall prevail. Most relevant to publicly subsidized Assisted Living. |