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Legislative Assembly of British Columbia

BILL 14

TENANCY STATUTES AMENDMENT ACT, 2024

Honourable Ravi Kahlon
Minister of Housing

Explanatory Notes

- CLAUSE 1: *[Manufactured Home Park Tenancy Act, section 10]* adds a requirement in relation to information or records to be provided when using an approved form.
- CLAUSE 2: *[Manufactured Home Park Tenancy Act, section 37.1]* prohibits the ending of tenancies unless certain conditions are met.
- CLAUSE 3: *[Manufactured Home Park Tenancy Act, section 51]* provides for the abandonment of part of a claim by an applicant.

BILL 14 – 2024

TENANCY STATUTES AMENDMENT ACT, 2024

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Manufactured Home Park Tenancy Act

1 *Section 10 of the Manufactured Home Park Tenancy Act, S.B.C. 2002, c. 77, is amended by adding the following subsection:*

(1.1) A person using an approved form under this Act must provide the information or other records required by the director for the purposes of this Act in relation to the approved form.

2 *The following section is added:*

Landlord prohibition respecting ending tenancies

37.1 A landlord must not give the tenant notice to end tenancy unless, when the notice is given, in respect of the purpose set out in the notice,

- (a) the relevant requirements or circumstances applied, or
- (b) the landlord had a reasonable belief that the relevant requirements or circumstances applied.

3 *Section 51 is amended*

(a) in subsection (2) by striking out “subsection (4) (a)” and substituting “subsections (2.1) and (4) (a)”;

(b) by repealing subsection (2) (a) and substituting the following:

(a) unless paragraph (a.1) applies, the amount claimed for debt or damages is more than the monetary limit for claims under the *Small Claims Act*, ,

(c) in subsection (2) by adding the following paragraph:

(a.1) the amount claimed under any of the following provisions of this Act is more than \$65 000:

- (i) section 44 (1) or (2) [*tenant’s compensation: section 42 notice*];
- (ii) section 44.1 [*additional tenant’s compensation: section 42 notice*], ,

CLAUSE 3: *[Manufactured Home Park Tenancy Act, section 51 – continued]*

CLAUSE 4: *[Manufactured Home Park Tenancy Act, section 77.1]* provides for the exclusive jurisdiction of the director.

CLAUSE 5: *[Manufactured Home Park Tenancy Act, section 80.4]* prescribes a maximum monetary penalty.

CLAUSE 6: *[Manufactured Home Park Tenancy Act, section 87]* adds a provision that, if contravened, is an offence.

CLAUSE 7: *[Manufactured Home Park Tenancy Act, section 87]* prescribes a maximum fine.

CLAUSE 8: *[Manufactured Home Park Tenancy Act, section 89]* adds and amends regulation-making authority consequential to amendments made by this Bill to the Act.

(d) by adding the following subsection:

(2.1) If subsection (2) (a) or (a.1) would otherwise apply, that provision does not apply if an applicant abandons,

(a) in the case of subsection (2) (a), the part of the claim for an amount for debt or damages that is more than the monetary limit for claims under the *Small Claims Act*, or

(b) in the case of subsection (2) (a.1), the part of the claim for an amount that is more than \$65 000. , **and**

(e) in subsection (4) by adding “, (a.1)” after “subsection (2) (a)”.

4 Section 77.1 (1) is repealed and the following substituted:

(1) The director has exclusive jurisdiction to inquire into, hear and determine all those matters and questions of fact, law and discretion arising or required to be determined, and to make any order permitted to be made, in the following:

(a) a dispute resolution proceeding;

(b) a review under Division 2 of this Part;

(c) a proceeding under Part 6.1.

5 Section 80.4 (1) is amended by striking out “\$5 000” and substituting “a prescribed amount”.

6 Section 87 (1) is amended by adding the following paragraph:

(j.1) section 37.1 [*landlord prohibition respecting ending tenancies*]; .

7 Section 87 is amended by striking out “\$5 000” wherever it appears and substituting “a prescribed amount”.

8 Section 89 (2) is amended

(a) in paragraph (d) by striking out “, subject to the restriction that the penalty must not be greater than the maximum penalty referred to in section 87 [*offences and penalties*]”,

(b) in paragraph (r.1) by adding the following subparagraph:

(ii.1) the maximum amounts of administrative penalties that may be imposed, in respect of the contravention, failure or false or misleading information to which the penalty relates, with power to prescribe different amounts in relation to the following:

(A) different provisions of the Act or regulations;

(B) different decisions, orders or demands;

CLAUSE 8: *[Manufactured Home Park Tenancy Act, section 89 – continued]*

CLAUSE 9: *[Residential Tenancy Act, section 1]* adds the definitions of “authorized internet site” and “generated notice”.

CLAUSE 10: *[Residential Tenancy Act, section 5.1]* extends the application of certain provisions of the *Administrative Tribunals Act* to provisions added by this Bill to the Act.

CLAUSE 11: *[Residential Tenancy Act, section 10]* adds a requirement in relation to information or records to be provided when using an approved form.

CLAUSE 12: *[Residential Tenancy Act, section 22.1]* restricts charging additional rent for additional occupants in relation to certain minors.

- (C) first or subsequent contraventions, failures or the giving of false or misleading information;
- (D) continuing contraventions or failures;
- (E) individuals and corporations, , *and*

(c) by adding the following paragraph:

- (r.2) prescribing the maximum amounts of fines for the purposes of section 87 [*offences and penalties*], with power to prescribe different amounts in relation to the following:
 - (i) different provisions of the Act or regulations;
 - (ii) different decisions or orders;
 - (iii) first or subsequent offences;
 - (iv) individuals and corporations; .

Residential Tenancy Act

9 Section 1 of the Residential Tenancy Act, S.B.C. 2002, c. 78, is amended by adding the following definitions:

- “**authorized internet site**” means an internet site that is maintained by the director or authorized by the director to be used for the purposes of this Act;
- “**generated notice**” means an approved form obtained from the authorized internet site in accordance with section 53.1 [*generated notices for ending certain tenancies*]; .

10 Section 5.1 (1), as enacted by section 65 of the Miscellaneous Statutes Amendment Act (No. 3), 2023, S.B.C. 2023, c. 47, is amended by adding “to determinations under Division 1.1 of Part 4 of this Act,” after “as if the director were a tribunal,”.

11 Section 10 is amended by adding the following subsection:

- (1.1) A person using an approved form under this Act must provide the information or other records required by the director for the purposes of this Act in relation to the approved form.

12 The following section is added:

Restriction on varying rent based on number of occupants

- 22.1** If a tenancy agreement includes a term that the rent varies with the number of occupants, the landlord must not increase the rent based on the number of occupants due to the addition of any of the following occupants:
 - (a) an occupant who is a minor;

- CLAUSE 12: *[Residential Tenancy Act, section 22.1 – continued]*
- CLAUSE 13: *[Residential Tenancy Act, section 22.1]* restricts charging additional rent for certain additional occupants.
- CLAUSE 14: *[Residential Tenancy Act, section 22.2]* limits rent variance to an amount or percentage calculated in accordance with the regulations.
- CLAUSE 15: *[Residential Tenancy Act, section 44.1]* prohibits the ending of tenancies unless certain conditions are met.
- CLAUSE 16: *[Residential Tenancy Act, section 47]* adds prescribed grounds as a basis for landlords to end tenancies.
- CLAUSE 17: *[Residential Tenancy Act, section 49]* amends the notice period for landlords giving notice to tenants to end certain tenancies.

- (b) an occupant who, when the tenancy agreement was entered into, was a minor and an occupant but is no longer a minor.

13 Section 22.1 is amended by adding the following paragraph:

- (c) an occupant to whom prescribed circumstances apply.

14 The following section is added:

Restriction on amount of varied rent

- 22.2** If a tenancy agreement includes a term that the rent varies with the number of occupants, the landlord must not impose a rent variance in an amount that is more than the amount calculated under the regulations.

15 The following section is added:

Landlord prohibition respecting ending tenancies

- 44.1** A landlord must not give the tenant notice to end tenancy unless, when the notice is given, in respect of the purpose set out in the notice,
- (a) the relevant requirements or circumstances applied, or
 - (b) the landlord had a reasonable belief that the relevant requirements or circumstances applied.

16 Section 47 (1) is amended by adding “any prescribed grounds apply or” after “if”.

17 Section 49 (2) is repealed and the following substituted:

- (2) Subject to section 51 [*tenant’s compensation: section 49 notice*] and any prescribed conditions, restrictions or prohibitions, a landlord may end a tenancy for a purpose referred to in subsection (3), (4), (5) or (6) of this section by giving notice to end the tenancy effective on a date that must be
 - (a) not earlier than, as applicable,
 - (i) if a period is not prescribed under subparagraph (ii), 4 months after the date the tenant receives the notice, or
 - (ii) a prescribed period after the date the tenant receives the notice, which prescribed period must not be earlier than 2 months after the date the tenant receives the notice,
 - (b) the day before the day in the month, or in any other period on which the tenancy is based, that rent is payable under the tenancy agreement, and
 - (c) if the tenancy agreement is a fixed term tenancy agreement, not earlier than the date specified as the end of the tenancy.

CLAUSE 18: *[Residential Tenancy Act, section 49]* amends the authority to convert a rental unit.

CLAUSE 19: *[Residential Tenancy Act, section 49]* prohibits landlords from giving notice to tenants to end certain tenancies.

CLAUSE 20: *[Residential Tenancy Act, section 49]* provides for matters relating to dispute resolution.

CLAUSE 21: *[Residential Tenancy Act, section 49.2]* provides for matters that may be prescribed.

CLAUSE 22: *[Residential Tenancy Act, section 51]* provides for compensation for the ending of certain tenancies and related matters.

18 Section 49 (6) is amended by repealing paragraph (f) and substituting the following:

- (f) unless the use is prescribed, convert the rental unit to a use other than a rental unit.

19 Section 49 is amended by adding the following subsection:

- (6.1) Unless otherwise provided in the regulations, a landlord must not give notice to end tenancy in respect of a rental unit for a purpose referred to in subsection (3), (4) or (5) if the building in which the rental unit is located contains 5 or more rental units and
 - (a) is not strata-titled, or
 - (b) is strata-titled with all rental units owned by the same owner.

20 Section 49 (8) is repealed and the following substituted:

- (8) A tenant may dispute a notice given under this section by making an application for dispute resolution within the following period, as applicable:
 - (a) if a period is not prescribed under paragraph (b), 30 days after the date the tenant receives the notice;
 - (b) a prescribed period after the date the tenant receives the notice, which prescribed period must not be earlier than 15 days after the date the tenant receives the notice.

21 Section 49.2 (1) is amended by adding “and any prescribed conditions, restrictions or prohibitions” after “section 51.4 [tenant’s compensation: section 49.2 order]”.

22 Section 51 is amended

- (a) in subsection (1) by adding “a prescribed amount of compensation, which prescribed amount must be at least” after “an amount that is”,**

- (b) by repealing subsection (1.1) and substituting the following:**

- (1.1) A tenant referred to in subsection (1) may
 - (a) withhold the amount referred to in subsection (1) from the last month’s rent payable under the tenancy agreement, and
 - (b) if the amount referred to in subsection (1) is more than the equivalent of one month’s rent payable under the tenancy agreement, withhold the remaining amount from the rent payable under the tenancy agreement from the rent payable each immediately preceding month under the tenancy agreement until the total amount is withheld. ,

CLAUSE 22: *[Residential Tenancy Act, section 51 – continued]*

CLAUSE 23: *[Residential Tenancy Act, section 51]* provides for compensation for the ending of certain tenancies and related matters.

CLAUSE 24: *[Residential Tenancy Act, section 51.1]* provides for compensation for the ending of certain tenancies and related matters.

CLAUSE 25: *[Residential Tenancy Act, section 51.4]* provides for compensation for the ending of certain tenancies and related matters.

(c) by adding the following subsection:

(1.11) For the purposes of section 50 (2), a tenant who withholds the amount referred to in subsection (1) of this section is deemed to have paid that amount to the landlord. ,

(d) by repealing subsection (1.2) and substituting the following:

(1.2) The landlord must pay the tenant the amount of compensation in the amount of the difference between the amount the tenant is entitled to receive from the landlord and any amount withheld by the tenant under subsection (1.1) of this section. , **and**

(e) in subsection (2) by striking out “an amount that is the equivalent of” and substituting “an additional prescribed amount, which prescribed amount must be at least the equivalent of”.

23 Section 51 is amended

(a) in subsection (2) by repealing paragraph (b) and substituting the following:

(b) the rental unit, except in respect of the purpose specified in section 49 (6) (a), has been used for that stated purpose, beginning within a reasonable period after the effective date of the notice, for at least the following period of time, as applicable:

- (i) if a period is not prescribed under subparagraph (ii), 12 months;
- (ii) a prescribed period, which prescribed period must be at least 6 months. , **and**

(b) in subsection (3) by repealing paragraph (b) and substituting the following:

(b) using the rental unit, except in respect of the purpose specified in section 49 (6) (a), for that stated purpose, beginning within a reasonable period after the effective date of the notice, for at least the following period of time, as applicable:

- (i) if a period is not prescribed under subparagraph (ii), 12 months;
- (ii) a prescribed period, which prescribed period must be at least 6 months.

24 Section 51.1 (1) is amended by striking out “an amount that is the equivalent of” and substituting “a prescribed amount, which prescribed amount must be at least the equivalent of”.

25 Section 51.4 is amended

(a) in subsection (1) by adding “a prescribed amount of compensation, which prescribed amount must be at least” after “an amount that is”,

CLAUSE 25: *[Residential Tenancy Act, section 51.4 – continued]*

CLAUSE 26: *[Residential Tenancy Act, section 52]* adds requirements in respect of generated notices to end tenancies.

CLAUSE 27: *[Residential Tenancy Act, heading to Division 1.1 of Part 4]* adds a heading.

CLAUSE 28: *[Residential Tenancy Act, section 53.1]* provides for the use of generated notices by landlords to end certain tenancies and provides for matters relating to the director’s determinations about the use of generated notices by landlords.

(b) by repealing subsection (2) and substituting the following:

- (2) A tenant referred to in subsection (1) may
 - (a) withhold the amount referred to in subsection (1) from the last month's rent payable under the tenancy agreement, and
 - (b) if the amount referred to in subsection (1) is more than the equivalent of one month's rent payable under the tenancy agreement, withhold the remaining amount from the rent payable under the tenancy agreement from the rent payable each immediately preceding month under the tenancy agreement until the total amount is withheld. ,

(c) by adding the following subsection:

- (2.1) For the purposes of section 50 (2) [*tenant may end tenancy early following notice under certain sections*], a tenant who withholds the amount referred to in subsection (1) of this section is deemed to have paid that amount to the landlord. ,

(d) by repealing subsection (3) and substituting the following:

- (3) The landlord must pay the tenant the amount of compensation in the amount of the difference between the amount the tenant is entitled to receive from the landlord and any amount withheld by the tenant under subsection (2) of this section. , ***and***

(e) in subsection (4) by striking out “an amount that is the equivalent of” and substituting “an additional prescribed amount, which prescribed amount must be at least the equivalent of”.

26 ***Section 52 (e) is amended by adding “prepared, if applicable, in accordance with section 53.1 [generated notices for ending certain tenancies]” after “the approved form”.***

27 ***The following heading is added after section 53 and before Division 2 of Part 4:***

Division 1.1 – Procedures for Ending Certain Tenancies .

28 ***The following section is added to Division 1.1 of Part 4:***

Generated notices for ending certain tenancies

- 53.1** (1) A landlord must not give notice to end tenancy under a prescribed provision of this Act unless the notice is a generated notice.
- (2) To give notice to end a tenancy under a prescribed provision of this Act with a generated notice, a landlord must
 - (a) pay the prescribed fee, if any, unless prescribed circumstances apply, and
 - (b) obtain the generated notice.

CLAUSE 28: *[Residential Tenancy Act, section 53.1 – continued]*

CLAUSE 29: *[Residential Tenancy Act, sections 53.2, 53.3 and 53.4]* provides for the requirement to obtain authorization to end certain tenancies and related matters.

- (3) A landlord must not change the information in a generated notice unless the change is
 - (a) authorized in writing by the director, or
 - (b) made in accordance with the regulations.
- (4) If authorized by the regulations, the director may determine, in accordance with the regulations, whether
 - (a) a landlord may obtain a generated notice, or
 - (b) a generated notice may be given to a tenant.
- (5) For certainty, section 10 [*director may approve forms*] applies to a generated notice.

29 The following sections are added to Division 1.1 of Part 4:

Authorization for ending certain tenancies

- 53.2**
- (1) A landlord must not give notice to end tenancy under a prescribed provision of this Act unless authorized by the director.
 - (2) A landlord seeking authorization to give notice to end a tenancy under a prescribed provision of this Act must apply to the director, in accordance with the regulations, for an order authorizing a landlord to give notice to end a tenancy.
 - (3) An application for authorization by a landlord must
 - (a) be in the applicable approved form, and
 - (b) unless the prescribed circumstances apply, be accompanied by the prescribed fee, if any.

**Determination about authorization
for ending certain tenancies**

- 53.3**
- (1) If a landlord applies under section 53.2 for authorization to give notice to end a tenancy, the director
 - (a) must determine whether to make an order authorizing the landlord to give notice to end tenancy, and
 - (b) may, subject to subsection (2) of this section and the regulations, make an order authorizing the landlord to give notice to end a tenancy.
 - (2) Despite subsection (1) of this section, the director must make an order authorizing the landlord to give notice to end a tenancy if the prescribed circumstances apply.
 - (3) An order by the director authorizing a landlord to give notice to end a tenancy is not a final determination and, for certainty, does not limit dispute resolution under Part 5.

CLAUSE 29: *[Residential Tenancy Act, sections 53.2, 53.3 and 53.4 – continued]*

CLAUSE 30: *[Residential Tenancy Act, section 56]* adds prescribed grounds for the director's order-making authority to specify an earlier day when tenancies end.

CLAUSE 31: *[Residential Tenancy Act, section 58]* provides for the abandonment of part of a claim by an applicant.

Powers of director under this Division

- 53.4** (1) For the purposes of this Division, the director may exercise a power that is prescribed by regulation.
- (2) The Lieutenant Governor in Council may prescribe orders that may or must be made by the director under this Division.
- (3) Unless otherwise provided in the regulations, the director is not required to give reasons for a decision made under this Division.

30 *Section 56 (2) (a) is amended by adding “any prescribed grounds apply or” before “the tenant or a person permitted”.*

31 *Section 58 is amended*

(a) in subsection (2) by striking out “subsection (4) (a)” and substituting “subsections (2.2) and (4) (a)”;

(b) in subsection (2) by repealing paragraph (a) and substituting the following:

- (a) unless paragraph (a.1) applies, the amount claimed for debt or damages is more than the monetary limit for claims under the *Small Claims Act*; ,

(c) in subsection (2) by adding the following paragraph:

- (a.1) the amount claimed under any of the following provisions of this Act is more than \$65 000:
- (i) section 51 (1) or (2) [*tenant’s compensation: section 49 notice*];
 - (ii) section 51.1 [*tenant’s compensation: requirement to vacate*];
 - (iii) section 51.3 [*tenant’s compensation: no right of first refusal*];
 - (iv) section 51.4 [*tenant’s compensation: section 49.2 order*]; ,

(d) by adding the following subsection:

- (2.2) If subsection (2) (a) or (a.1) would otherwise apply, that provision does not apply if an applicant abandons,
- (a) in the case of subsection (2) (a), the part of the claim for an amount for debt or damages that is more than the monetary limit for claims under the *Small Claims Act*, or
 - (b) in the case of subsection (2) (a.1), the part of the claim for an amount that is more than \$65 000. , **and**

(e) in subsection (4) by adding “, (a.1)” after “subsection (2) (a)”.

- CLAUSE 32: *[Residential Tenancy Act, section 84.1]* extends the exclusive jurisdiction of the director to a proceeding under Part 5.1 of the Act.
- CLAUSE 33: *[Residential Tenancy Act, section 84.1]* extends the exclusive jurisdiction of the director to a determination under Division 1.1 of Part 4 of the Act.
- CLAUSE 34: *[Residential Tenancy Act, section 87.4]* provides for a prescribed maximum monetary penalty.
- CLAUSE 35: *[Residential Tenancy Act, section 95]* adds provisions that, if contravened, are an offence.
- CLAUSE 36: *[Residential Tenancy Act, section 95]* provides for a prescribed maximum fine and adds provisions that, if contravened, are an offence.
- CLAUSE 37: *[Residential Tenancy Act, section 97]* adds and amends regulation-making authority consequential to amendments made by this Bill to the Act.

32 Section 84.1 (1) is repealed and the following substituted:

- (1) The director has exclusive jurisdiction to inquire into, hear and determine all those matters and questions of fact, law and discretion arising or required to be determined, and to make any order permitted to be made, in the following:
 - (a) a dispute resolution proceeding;
 - (b) a review under Division 2 of this Part;
 - (c) a proceeding under Part 5.1.

33 Section 84.1 (1) is amended by adding the following paragraph:

- (a.1) a determination under Division 1.1 of Part 4; .

34 Section 87.4 (1) is amended by striking out “\$5 000” and substituting “a prescribed amount”.

35 Section 95 (1) is amended by adding the following paragraphs:

- (c.1) section 22.1 [*restriction on varying rent based on number of occupants*];
- (l.1) section 44.1 [*landlord prohibition respecting ending tenancies*]; .

36 Section 95 is amended

(a) by striking out “\$5 000” wherever it appears and substituting “a prescribed amount”, and

(b) in subsection (1) by adding the following paragraphs:

- (c.2) section 22.2 [*restriction on amount of varied rent*];
- (l.2) section 53.1 (1) or (3) [*generated notices for ending certain tenancies*];
- (l.3) section 53.2 (1) [*authorization for ending certain tenancies*]; .

37 Section 97 is amended

(a) in subsection (2) by adding the following paragraph:

- (a.3) respecting matters related to additional occupants, including the following:
 - (i) prescribing circumstances that apply to occupants for the purposes of section 22.1 [*restriction on varying rent based on number of occupants*];
 - (ii) providing for the calculation of rent variance based on the number of occupants for the purposes of section 22.2 [*restriction on amount of varied rent*]; ,

(b) in subsection (2) (e) by striking out “, subject to the restriction that the penalty must not be greater than the maximum penalty referred to in section 95 [*offences and penalties*]”,

CLAUSE 37: *[Residential Tenancy Act, section 97 – continued]*

(c) in subsection (2) by adding the following paragraphs:

- (n.1) prescribing the grounds for the purposes of ending a tenancy under sections 47 (1) [*landlord's notice: cause*] and 56 (2) [*application for order ending tenancy early*];
- (n.2) prescribing periods of time for the purposes of
 - (i) the notice period described in section 49 (2) [*landlord's notice: landlord's use of property*], and
 - (ii) the dispute period described in section 49 (8);
- (n.3) prescribing conditions, restrictions or prohibitions for the purposes of sections 49 (2) and 49.2 [*director's orders: renovations or repairs*];
- (n.4) prescribing uses for the purposes of section 49 (6) (f);
- (n.5) prescribing, for the purposes of sections 51 [*tenant's compensation: section 49 notice*], 51.1 [*tenant's compensation: requirement to vacate*] and 51.4 [*tenant's compensation: section 49.2 order*], as applicable, the following:
 - (i) amounts of compensation and additional amounts of compensation, as applicable;
 - (ii) circumstances relevant for compensation;
 - (iii) formulas for compensation that may be used to determine the prescribed amount or that apply to prescribed circumstances;
- (n.6) prescribing periods for the purposes of section 51 (2) (b) and (3) (b);
- (n.7) respecting Division 1.1 [*Procedures for Ending Certain Tenancies*] of Part 4, including by prescribing the following:
 - (i) the provisions in respect of which a generated notice must be used;
 - (ii) the provisions or circumstances in relation to which the director may make determinations relating to generated notices;
 - (iii) fees;
 - (iv) the circumstances that apply for exceptions from the payment of prescribed fees;
 - (v) time limits that apply to the director and providing for procedures or other matters relating to the time limits, including the following:
 - (A) the effect of prescribed time limits that may expire or have expired;
 - (B) how the director or a landlord is to proceed if a prescribed time limit may expire or has expired;
 - (vi) powers of the director;
 - (vii) orders; ,

CLAUSE 37: *[Residential Tenancy Act, section 97 – continued]*

(d) in subsection (2) (p.1) by adding the following subparagraph:

- (ii.1) the maximum amounts of administrative penalties that may be imposed in respect of the contravention, failure or false or misleading information to which the penalty relates, with power to prescribe different amounts in relation to the following:
 - (A) different provisions of the Act or regulations;
 - (B) different decisions, orders or demands;
 - (C) first or subsequent contraventions, failures or the giving of false or misleading information;
 - (D) continuing contraventions or failures;
 - (E) individuals and corporations, ,

(e) in subsection (2) by adding the following paragraph:

- (p.3) prescribing the maximum amounts of fines for the purposes of section 95 [offences and penalties], with power to prescribe different amounts in relation to the following:
 - (i) different provisions of the Act or regulations;
 - (ii) different decisions or orders;
 - (iii) first or subsequent offences;
 - (iv) individuals and corporations; , *and*

(f) in subsection (3), as amended by section 182 (c) of the Administrative Tribunals Statutes Amendment Act, 2015, S.B.C. 2015, c. 10, by striking out “and” at the end of paragraph (c), by adding “, and” at the end of paragraph (d) and by adding the following paragraph:

- (e) make different regulations for
 - (i) different tenancies, lengths or circumstances of tenancies, the ending of tenancies or purposes for giving notice to end tenancies, dispute periods, compensation, circumstances relating to compensation or formulas related to compensation, or
 - (ii) different classes of tenancies, lengths or circumstances of tenancies, the ending of tenancies or purposes for giving notice to end tenancies, dispute periods, compensation, circumstances relating to compensation or formulas related to compensation.

CLAUSE 38: *[Residential Tenancy Act, section 104]* provides for regulation-making authority to bring the amendments made by this Bill to the Act, and related regulations, into operation and to facilitate that transition.

CLAUSE 39: *[Residential Tenancy Act, section 104.4]* adds a transitional provision regarding the effect of notices given to end tenancy relating to uses that are subsequently prescribed.

CLAUSE 40: *[Transition – interpretation]* provides for interpretation relevant to transitional provisions.

CLAUSE 41: *[Transition – varying rent based on number of occupants]* adds a transitional provision regarding how a rent variance is affected by the coming into force of a new provision regarding the varying of rent based on the number of occupants.

38 Section 104 is amended by adding the following subsection:

- (3) The Lieutenant Governor in Council may make regulations considered necessary or advisable to more effectively bring regulations made under this Act into operation or to facilitate the transition to those regulations, including regulations prescribing the manner in which any transitional question or issue arising because of the repeal or amendment of any provisions of this Act or the repeal or amendment of any regulations made under this Act are to be resolved.

39 The following section is added:

Transition – notices to end certain tenancies

- 104.4** If a landlord gives notice to end a tenancy in respect of section 49 (6) (f) [*landlord's notice: landlord's use of property*] and the notice relates to a use that is prescribed under that provision by a regulation with effect on a date that is after the notice is given and before the end of the tenancy,
- (a) the notice has no effect, and
 - (b) even if the tenant has not disputed a notice to end tenancy, despite section 49 (9),
 - (i) the tenant is not conclusively presumed to have accepted that the tenancy ends, and
 - (ii) the tenant is not required to vacate the rental unit.

Transitional Provisions

Transition – interpretation

- 40** Unless the context otherwise requires, words and expressions used in sections 41 to 44 of this Act have the same meaning as in the *Manufactured Home Park Tenancy Act* or the *Residential Tenancy Act*, as applicable.

Transition – varying rent based on number of occupants

- 41** (1) If a tenancy agreement that is entered into before section 22.1 [*restriction on varying rent based on number of occupants*] of the *Residential Tenancy Act*, as enacted by section 12 of this Act, comes into force includes a term that the rent varies based on the number of occupants, that section
- (a) applies to the tenancy agreement, and
 - (b) does not affect a rent variance that has taken effect before the coming into force of that section.

CLAUSE 41: *[Transition – varying rent based on number of occupants – continued]*

CLAUSE 42: *[Transition – effect of date when certain notices given]* adds a transitional provision regarding how notices to end tenancies apply depending on when the notices are given.

CLAUSE 43: *[Transition – effect of date when certain notices received]* adds a transitional provision regarding how certain tenancies are affected depending on when notices to end tenancy are received.

- (2) If a tenancy agreement that is entered into before section 22.1 (c) of the *Residential Tenancy Act*, as enacted by section 13 of this Act, comes into force includes a term that the rent varies based on the number of occupants, that provision
 - (a) applies to the tenancy agreement, and
 - (b) does not affect a rent variance that has taken effect before the coming into force of that provision.

Transition – effect of date when certain notices given

- 42 In respect of a notice given by a landlord under section 49 (2) [*landlord’s notice: landlord’s use of property*],
 - (a) if the notice was given before or on the date this Act receives First Reading in the Legislative Assembly, section 51 (2) (b) and (3) (b) [*tenant’s compensation: section 49 notice*] of the *Residential Tenancy Act* applies as it read immediately before its amendment by this Act, and
 - (b) for certainty, if the notice was given after the date this Act receives First Reading in the Legislative Assembly, section 51 (2) (b) and (3) (b) of the *Residential Tenancy Act* applies as amended by this Act.

Transition – effect of date when certain notices received

- 43 (1) In respect of a notice given by a landlord under section 49 (2) [*landlord’s notice: landlord’s use of property*] of the Act for a purpose in relation to section 49 (3), (4) or (5) of the *Residential Tenancy Act*,
 - (a) if the tenant received the notice before the date this section comes into force, the notice period and dispute period that applied immediately before the date this section comes into force continue to apply, and
 - (b) if the tenant had not yet received the notice before the date this section comes into force, the notice has no effect.
- (2) For the purposes of this section, a date that applies under section 90 (a), (b), (c) or (d) [*when records are considered to have been received*] of the *Residential Tenancy Act*, or that is prescribed under section 97 (2) (p) [*power to make regulations – giving or serving records*] of the *Residential Tenancy Act*, as the date a notice is deemed to be received is the date that applies regardless of whether the notice is received earlier or later than that date.

CLAUSE 44: *[Transition – abandonment of part of claim]* adds a transitional provision regarding the application of amended provisions if, in respect of an application for dispute resolution, a determination has not been made when the provision comes into force.

Transition – abandonment of part of claim

- 44** If, on the date this section comes into force, an application for dispute resolution has been made but a final determination has not been made in respect of the application, the following provisions, as amended by this Act, apply in respect of the application:
- (a) section 51 [*determining disputes*] of the *Manufactured Home Park Tenancy Act*, in the case of an application under that Act;
 - (b) section 58 [*determining disputes*] of the *Residential Tenancy Act*, in the case of an application under that Act.

Commencement

- 45** The provisions of this Act referred to in column 1 of the following table come into force as set out in column 2 of the table:

Item	Column 1 Provisions of Act	Column 2 Commencement
1	Anything not elsewhere covered by this table	The date of Royal Assent
2	Section 3	By regulation of the Lieutenant Governor in Council
3	Section 5	By regulation of the Lieutenant Governor in Council
4	Sections 7 to 10	By regulation of the Lieutenant Governor in Council
5	Sections 13 and 14	By regulation of the Lieutenant Governor in Council
6	Sections 16 to 18	By regulation of the Lieutenant Governor in Council
7	Section 19	On the day after the date this Act receives First Reading in the Legislative Assembly
8	Section 20	By regulation of the Lieutenant Governor in Council
9	Section 22	By regulation of the Lieutenant Governor in Council
10	Section 23	On the day after the date this Act receives First Reading in the Legislative Assembly
11	Sections 24 to 29	By regulation of the Lieutenant Governor in Council

Item	Column 1 Provisions of Act	Column 2 Commencement
12	Section 31	By regulation of the Lieutenant Governor in Council
13	Sections 33 and 34	By regulation of the Lieutenant Governor in Council
14	Sections 36 and 37	By regulation of the Lieutenant Governor in Council
15	Section 39	By regulation of the Lieutenant Governor in Council