

Residential
Tenancies Branch

**Annual Report
2010**





**MINISTER OF
FAMILY SERVICES AND CONSUMER AFFAIRS**

Room 357
Legislative Building
Winnipeg, Manitoba CANADA
R3C 0V8

His Honour the Honourable Philip Lee, C.M., O.M.
Lieutenant Governor of Manitoba
Room 235, Legislative Building
Winnipeg, Manitoba
R3C 0V8

May It Please Your Honour:

I have the privilege of presenting for the information of your Honour, the Annual Report of the Residential Tenancies Branch on the administration of *The Residential Tenancies Act* for the year ending December 31, 2010.

Respectfully submitted,

'Original signed by'

Gord Mackintosh





Family Services and Consumer Affairs

Residential Tenancies Branch

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Honourable Gord Mackintosh
Minister of Family Services and Consumer Affairs
Room 357, Legislative Building
Winnipeg, Manitoba
R3C 0V8

Dear Sir:

I have the honour of submitting the Residential Tenancies Branch Annual Report on the administration of *The Residential Tenancies Act* for the year ending December 31, 2010.

Respectfully submitted,

'Original signed by'

Laura Gowerluk
Director
Residential Tenancies Branch

TABLE OF CONTENTS

	<u>PAGE</u>
<i>INTRODUCTION – ENGLISH</i>	<i>1</i>
<i>INTRODUCTION – EN FRANÇAIS</i>	<i>4</i>
<i>PARTS 1-8 OF THE RESIDENTIAL TENANCIES ACT</i>	<i>8</i>
<i>TABLE 1: CASES OPENED AND CLOSED (PARTS 1 – 8)</i>	<i>11</i>
<i>TABLE 2: DISPUTE RESOLUTION ACTIVITIES</i>	<i>12</i>
<i>PART 9 OF THE RESIDENTIAL TENANCIES ACT</i>	<i>13</i>
<i>TABLE 3: CASES OPENED AND CLOSED (PART 9)</i>	<i>16</i>
<i>TABLE 4: ORDERS ISSUED BY TYPE</i>	<i>17</i>
<i>INFORMATION/EDUCATION ACTIVITIES</i>	<i>18</i>
<i>TABLE 5: INFORMATION STATISTICS / EDUCATION ACTIVITIES</i>	<i>22</i>
<i>SECURITY DEPOSIT COMPENSATION FUND</i>	<i>23</i>
<i>TABLE 6: SECURITY DEPOSIT COMPENSATION FUND - ACCOUNTING SUMMARY</i>	<i>24</i>

INTRODUCTION

Role of the Residential Tenancies Branch

The Residential Tenancies Branch administers *The Residential Tenancies Act*, *The Life Leases Act* and *The Condominium Act*. The Branch operates three regional offices – Winnipeg, Brandon and Thompson.

The Residential Tenancies Branch:

- provides information to landlords, tenants and others on *The Residential Tenancies Act*, *The Life Leases Act* and *The Condominium Act*;
- investigates complaints of non-compliance with the legislation;
- mediates disputes between landlords and tenants;
- makes decisions on disputes between landlords and tenants about:
 - deposits
 - repairs
 - terms and conditions of a tenancy agreement or life lease
 - the right to continue in occupancy
 - claims for compensation
 - privacy
 - non-payment of utilities
 - life lease entrance fees
- makes decisions on landlords' applications for rent increases above the guideline and tenants' objections to any rent increases
- reviews life lease rent increases (upon tenants' request).

The Residential Tenancies Act requires the Director of Residential Tenancies to submit a report on the administration of the *Act* to the Minister within six months of the end of each fiscal year. The reporting period for this report is the 2010 calendar year. Statistics for the 2009 calendar year are also provided, for purposes of comparison.

Activities/Highlights in 2010

- Significant amendments to *The Residential Tenancies Act* came into effect in 2010. The key changes are:
 - landlords are allowed to collect a pet damage deposit when they choose to permit a tenant to keep a pet in a rental unit
 - the Branch has clear authority to determine claims relating to a guarantor's liability under a guarantee agreement that relates to a residential tenancy agreement
 - the Branch can impose administrative penalties on landlords and tenants for failing to comply with orders made under specified sections of the Act or for contravening those sections
 - provisions that set out how landlords can discount rent if they are offering a rent discount to a new tenant after regaining possession of rental units in complexes with three or fewer units
- Resolving disputes through mediation remains a priority for the Branch. In 2010, almost 4,900 complaints were resolved informally. The Branch resolved an additional 2,749 disputes by issuing formal mediated agreements. Of those agreements, only 17.2% required the Branch to issue an order for enforcement.
- Demand for general information continues to be strong. The Branch's client services staff handled over 67,000 calls during the year and responded to almost 4,600 e-mail requests for information. The number of people visiting Branch offices to request information or file a formal complaint in 2010 remained consistent (8,288 visits - 2010; 8,287 visits – 2009).
- Focus on public education continued through presentations and information displays. The Branch made 52 presentations to 1,127 participants. The Branch also had displays at seven events and had the opportunity to speak with approximately 1,800 people at these venues. Staff also held informal drop-in information sessions at a community service agency.

- There was increased outreach to new immigrants and agencies that work with these individuals. Some of the Branch's resource material has been translated into Punjabi, Tagalog, Spanish, Arabic, Swahili and Somali.
- The Branch's newsletter, "Open Doors" is published quarterly. The subscriber list continues to grow. The newsletter is also available on the Branch's website.
- Consultation with stakeholders about issues affecting residential tenancies is ongoing.
- Review and refinement of business processes and technical solutions to improve service delivery continues.
- There was continued strong demand for rent status reports as many rental properties were sold to new owners. Anyone who is considering the purchase of a rental property can apply to the Branch for a rent status report. The report can alert prospective purchasers to potential rent increase problems because it provides information on a property's rent history. The Branch received 149 of these requests in 2010, down slightly from 167 in the previous year.
- The Residential Tenancies' Orders System continues to be available online. The Orders System provides information on the orders the Branch issues, except for rent regulation orders. Clients can access the system by subscription or by individual search at Branch offices.
- The Branch continues to offer its Safety Net program. The program's main purpose is to help people with special needs who are being evicted. These include clients with mental or physical disabilities, the elderly and infirm, single parents or families with children. The Branch ensures that these tenants understand what is happening and connects them with social services agencies that can assist them. The program may also be used when a building is closed down by the health authorities.

INTRODUCTION

La Direction de la location à usage d'habitation administre les lois suivantes : *Loi sur la location à usage d'habitation*, *Loi sur les baux viagers*, et *Loi sur les condominiums*. La Direction gère trois bureaux régionaux – à Winnipeg, à Brandon et à Thompson.

Principales fonctions de la Direction :

- fournir de l'information sur les lois susmentionnées aux locateurs, aux locataires et à d'autres personnes;
- faire enquête à la suite de plaintes relatives à des infractions à la législation;
- assurer la médiation des litiges entre locateurs et locataires;
- rendre des décisions dans les cas de litiges concernant les droits et les obligations des locateurs et des locataires en matière de :
 - dépôts,
 - réparations,
 - conditions des baux ou des baux viagers,
 - droit d'occupation,
 - compensation,
 - respect de la vie privée,
 - non-paiement des services publics,
 - droits d'entrée relatifs aux baux viagers;
- rendre des décisions fondées sur l'examen des demandes d'augmentation de loyer supérieure à la ligne directrice et sur les motifs d'opposition des locataires à toute augmentation.
- enquêter sur les augmentations de loyer dans les logements locatifs à bail viager (à la demande des locataires).

La *Loi sur la location à usage d'habitation* exige du directeur de la location à usage d'habitation qu'il soumette au ministre un rapport sur l'administration de la *Loi* dans les six mois suivant la fin de chaque année. La période visée par le présent rapport est l'année civile 2010. Les statistiques de l'année civile 2009 sont également fournies lorsqu'elles sont disponibles, et ce, pour des fins de comparaison.

Activités et faits saillants en 2010

- D'importantes modifications à la *Loi sur la location à usage d'habitation* sont entrées en vigueur en 2010. Les modifications principales sont :
 - Les locateurs ont le droit d'exiger un dépôt pour les dommages attribuables à un animal de compagnie lorsqu'ils permettent à un locataire de garder un animal de compagnie dans une unité locative.
 - La Direction a une autorité bien définie pour traiter les réclamations relatives à la responsabilité d'un garant dans le cadre d'un accord de garantie ayant trait à une convention de location.
 - La Direction est autorisée à imposer des sanctions administratives aux locateurs et locataires qui ne respectent pas les ordres donnés en vertu de dispositions spécifiques de la *Loi* ou qui contreviennent à ces dispositions.
 - Les dispositions stipulant comment les locateurs peuvent offrir une remise de loyer à un nouveau locataire quand ils reprennent possession d'une unité locative située dans un ensemble résidentiel comptant un maximum de trois unités locatives.
- La résolution de conflits au moyen de la médiation demeure une priorité de la Direction. En 2010, plus de 4 900 plaintes ont été réglées sans formalités. La Direction a réglé 2 749 plaintes additionnelles au moyen d'ententes convenues par médiation. De ces ententes, seulement 17.2 % ont dû faire l'objet d'une ordonnance d'exécution délivrée par la Direction.
- La demande de renseignements généraux continue d'être très élevée. Le personnel de la Direction chargé des services à la clientèle a répondu à plus de 67 000 appels au cours de l'année, ainsi qu'à plus de 4 600 demandes d'information reçues par courriel. Le nombre de personnes qui se sont rendues dans les bureaux de la Direction pour obtenir des renseignements ou pour déposer une plainte officielle a également augmenté (8 288 visiteurs en 2010 contre 8 287 en 2009).

- La Direction continue de mettre l'accent sur l'éducation du public au moyen de présentations et d'affiches. Le personnel a fait 52 présentations à 1 127 participants. La Direction a également fait des expositions à l'occasion de sept événements au cours desquels les membres du personnel ont pu s'entretenir avec environ 1 800 personnes. Le personnel a aussi organisé des séances d'information informelles auprès d'un organisme de services communautaires.
- La Direction a augmenté ses activités à l'intention des nouveaux immigrants et des organismes qui travaillent auprès d'eux. Diverses ressources de la Direction ont été traduites en punjabi, tagalog, spanish, arabic, swahili et en somali.
- La Direction continue de publier son bulletin trimestriel « Portes ouvertes ». La liste des abonnés ne cesse de croître. Le bulletin est diffusé sur le site Web de la Direction.
- La Direction poursuit ses consultations avec les intervenants à propos des questions ayant une incidence sur les locations à usage d'habitation.
- La Direction continue d'examiner et de simplifier ses processus opérationnels et solutions techniques pour améliorer la prestation des services.
- La Direction continue d'enregistrer une forte demande de rapports sur les antécédents en matière de loyer car de nombreux immeubles à usage locatifs ont été vendus à de nouveaux propriétaires. Les personnes qui songent à acheter un immeuble à usage locatif peuvent demander à la Direction de leur fournir un rapport sur les antécédents en matière de loyer. Ce rapport donne des détails relativement aux loyers dans un bien locatif et peut alerter les acheteurs potentiels en cas de problèmes liés à l'augmentation des loyers. La Direction a reçu 149 demandes de rapports sur les antécédents en matière de loyer en 2010, une augmentation par rapport aux 167 demandes reçues l'année précédente.

- Le Registre des décisions en matière de location à usage d'habitation continue d'être disponible en ligne. Le Registre fournit de l'information sur les décisions de la Direction, sauf en ce qui concerne les décisions relatives à la réglementation sur les loyers. Les clients peuvent accéder à ce système par abonnement ou par une recherche individuelle dans les bureaux de la Direction.
- La Direction offre toujours le Programme d'aide au relogement. Le but principal du programme est d'aider les personnes ayant des besoins spéciaux qui se font expulser. Cela comprend les clients souffrant d'une incapacité mentale ou physique, les personnes âgées et les infirmes, les chefs de famille monoparentale et les familles avec des enfants. La Direction veille à ce que ces locataires comprennent la situation et les met en relation avec les organismes de services sociaux qui peuvent les aider. Les locataires peuvent également avoir recours à ce programme quand un immeuble est fermé par les autorités sanitaires.

PARTS 1 – 8 OF THE RESIDENTIAL TENANCIES ACT

Parts 1 - 8 of *The Residential Tenancies Act* deal with all residential landlord and tenant matters, except rent regulation. Table 1 provides a statistical summary of the case activity of the Residential Tenancies Branch under Parts 1 – 8 of the legislation. The Branch opened 4,751 cases in the 2010 calendar year. A total of 4,673 cases were closed during 2010.

Mediation

The Branch is dedicated to fulfilling its mandate to assist landlords and tenants in resolving disputes while preserving their ongoing relationships with one another. The Branch continues to focus on informal dispute resolution. When a client comes to or calls the Branch for assistance in resolving a dispute, they first speak with a Client Services Officer (CSO). After listening to the client's concerns, the CSO provides the necessary information and, if appropriate, offers to contact the other party to help resolve the dispute. Many disputes are settled in this way, without a case file being opened. This approach reduces the Branch's case count, but provides clients with improved service. In 2010, 4,886 matters were resolved this way. (See Table 2 – *Intakes Resolved*)

While many disputes are resolved by informal mediation, a total of 2,749 were resolved by written, mediated agreements. If an agreement is not fulfilled the Branch issues a certified order based on the agreement. Of the mediated agreements issued by the Branch, 82.8% did not require any further involvement and are presumed to have been honoured by the parties.

Orders of Possession

In 2010, the Branch received 1,892 applications for orders of possession from landlords. An order of possession is a written order the Branch issues to enforce a notice of termination. The Branch always schedules a hearing to consider an application for an order of possession. The Branch has performance targets for closing order of possession cases. The target for issuing these decisions is within three working days of the hearing.

In 2010, the Branch met its target in most cases. The Branch resolved 637 of these applications through mediation. The Branch issued 782 decisions on applications for an order of possession. In 649 cases, the Branch granted the landlord an order of possession. In 3 other cases, the Branch identified a condition that the tenant had to meet to remain in tenancy. If the tenant failed to meet the condition, the order of possession was granted. For example: A conditional order of possession might require a tenant to pay a specific amount by a specified date, otherwise they must move out. The Branch denied 134 applications for an order of possession. In some cases, the tenant moved before the date of the hearing, but the landlord asked the Branch to determine the claim for compensation included in the application. Other applications were withdrawn, settled by the parties before the hearing or pending at year-end.

Claims for Compensation

In 2010, landlords and tenants filed 1,244 claims for compensation with the Branch. Landlords' claims against tenants most often relate to outstanding rent, the cost of repairing damage and extraordinary costs to clean units after tenants move out. Tenants' claims usually deal with damage to personal belongings and compensation for loss of use of part of a rental unit. The Branch closed 1,273 of these cases in 2010. The Branch resolved 238 of these cases through mediation. In 701 cases, the Branch issued an order after considering the merits of the claim. An additional 146 claims were withdrawn by the applicant before the scheduled hearing. In 91 cases, no one attended the hearing and 31 cases were converted to another type of hearing claim. The performance target for issuing compensation claim decisions is within ten working days of the hearing date. During 2010, the Branch's average time for issuing these decisions was 25 days.

Hearings

In total, in 2010, the Branch held 1,432 hearings to resolve disputes between landlords and tenants on claims for compensation, orders of possession and to determine questions under *The Residential Tenancies Act*.

Repairs/Utilities/Other Obligations

In 2010, the number of cases opened regarding landlords' obligation to repair and maintain rental units increased significantly from 680 cases in 2009 to 759 cases in 2010. The Branch resolved 691 of these cases in 2010 and also resolved 161 cases relating to

landlords' non-payment of utilities. If there is a dispute over a notice to terminate a tenancy, either a landlord or tenant can ask the Branch for assistance. In 2010, the Branch formally resolved 9 of these cases. The Branch also dealt with other cases where a landlord or a tenant did not meet their obligations under *The Residential Tenancies Act*. These cases include disputes over locks and doors, privacy, seizure of tenant's property, withholding of services, unauthorized charges or fees, tenancy agreements, assignment and subletting, mobile home rentals, abandonment of personal property and entitlement to collect rent. In 2010, the Branch formally opened 56 and closed 55 of these cases.

TABLE 1 – Cases Opened and Closed
Parts 1 - 8 of *The Residential Tenancies Act*

Case Types	Cases Opened January 1, 2009 – December 31, 2009	Cases Opened January 1, 2010 – December 31, 2010	Cases Closed January 1, 2009 – December 31, 2009	Cases Closed January 1, 2010 – December 31, 2010	Appeals to Commission
Abandoned Personal Property	13	11	13	11	0
Disputes					
• Determination ¹	1	1	1	1	0
• Tenancy Agreement	2	0	3	0	0
• Landlord Obligation	4	5	4	6	0
• Tenant Obligation	11	15	11	16	0
• Mutual Obligation	1	0	1	0	0
• Notice of Termination	9	8	9	9	0
• Other	2	3	3	3	0
Distrain & Lockout	24	21	25	19	0
Hearing Applications					
• Claim	1,506	1,244	1,317	1,273	145
• Order of Possession	1,719	1,892	1,684	1,885	195
• Determination ¹	39	61	37	50	8
Repairs	680	759	685	691	22
Security Deposit or Less	483	479	398	444	22
Utilities	199	128	148	161	2
Enforcement	96	124	101	104	1
TOTALS	4,789	4,751	4,440	4,673	395

1. Landlords and tenants can apply to the Branch for a determination of a question arising under Parts 1 – 8 of *The Residential Tenancies Act* or *The Life Leases Act*.

TABLE 2

DISPUTE RESOLUTION ACTIVITIES

Parts 1 – 8 *The Residential Tenancies Act*

Activity	Reporting Period January 1, 2009 to December 31, 2009	Reporting Period January 1, 2010 to December 31, 2010
Intakes Resolved ₁	5,606	4,886
Mediated Agreements Issued	2,653	2,749
Mediated Agreements – Defaulted ₂	406	474
Substitutional Service ₃	342	360
Hearings ₄	1,451	1,432

1. A client's request for assistance that does not result in a formal case file being opened. Most are resolved informally at the first stage of contact.
2. If a written mediated agreement is not fulfilled, the Branch issues a certified order based on the agreement.
3. Occasionally when a landlord or a tenant files a claim or application for an order of possession, they are unable to serve the other person with the notice of the hearing by personal service or registered mail. When this happens, they can apply to the Branch for permission to serve the document in some other way (e.g. regular mail, notice in a newspaper).
4. For Hearings, the number shown represents the number of hearings conducted. Many hearing applications are resolved by the Branch by mediation or withdrawn by the applicant before the date of the hearing.

PART 9 OF *THE RESIDENTIAL TENANCIES ACT*

Applications/Objections

Part 9 of *The Residential Tenancies Act* deals with the regulation of rents for residential premises. Each year the government sets an annual rent increase guideline. The guideline for 2010 was 1%. To increase rent above the guideline, a landlord must apply to the Residential Tenancies Branch. In 2010, the Branch received 312 applications to increase rent above the guideline affecting 18,094 units (Table 3). During the 2010 calendar year, the Branch made decisions regarding applications for 388 buildings affecting 23,627 units.

The Branch's performance targets for issuing orders on above guideline applications is within 90 days of receiving the application. During the reporting period, the Branch issued orders on 20% of the cases within 60 days of receiving the application. The Branch met its performance target of 90 days or less in an additional 20% of the cases.

Tenants can object to any rent increase, whether at, above or below the guideline. In 2010, the Branch received objections to rent increases at or below the guideline from tenants of 44 units and reviewed the objections on 41 units.

Under *The Residential Tenancies Act*, a landlord who plans to rehabilitate a residential complex may apply to the Branch for an exemption from rent regulation. If the Branch approves a rehabilitation scheme, it can exempt a complex from rent regulation for up to five years. The Branch issues final orders setting the exemption period once the landlord has completed the work required for the rehabilitation scheme. In 2010, the Branch received applications for 51 buildings affecting 1,248 units. The Branch completed 34 rehabilitation applications affecting 728 units before year-end.

Landlords may also apply for approval of a rehabilitation scheme for a single unit. The program applies to units that have been voluntarily vacated by the previous tenant. To qualify for approval, the rehabilitation must make major improvements that substantially increase the quality of the unit. If the Branch approves a rehabilitation scheme, it can exempt the unit from rent regulation for up to two years. The Branch issues a final order setting the exemption period once the landlord has completed the work. The Branch received 145 of these applications during 2010 and completed 141 before year-end.

Before withdrawing or reducing a service, a landlord must apply to the Branch for an order setting the value of the proposed withdrawal or reduction. An example of a withdrawal of service is when the responsibility for paying for cable service switches from the landlord of a building to each tenant. The landlord applies for an order fixing the value of the withdrawn service for each tenant. The tenant's rent is then reduced by that amount. In the 2010 calendar year, the Branch received 11 applications for withdrawal of service affecting 503 units. The Branch completed 10 applications affecting 94 units by year-end.

The Branch received 9 applications for laundry charge increase affecting 315 units in the 2010 calendar year. During 2010, the Branch completed 14 of these applications affecting 672 units.

A tenant can ask a landlord to provide an item or service that is not usually included in the rent. If a landlord wants to provide the item or service and charge for it, they must apply to the Branch. In 2010, the Branch received 11 of these tenant requested improvement applications, affecting 11 units. The Branch issued orders on 10 applications for tenant requested improvements involving 10 rental units by year-end.

Certain sections of Part 9 of *The Residential Tenancies Act* also apply to life lease complexes. Tenants living in non-profit complexes can ask the Branch to review rent increases proposed by the landlord. During 2010, the Branch received five of these requests and processed four.

Unauthorized Rent Increases

In the calendar year 2010, the Branch opened compliance cases affecting 2,203 units. Compliance cases usually involve situations where a landlord increases rent: by more than the annual rent increase guideline without applying to the Branch; without giving tenants the required notice; or, more than once in a 12-month period. The Branch completed its review of compliance cases affecting 2,277 rental units by year-end.

Rent Status Reports

Anyone who is considering the purchase of a rental property can apply, with the consent of the rental property owner, to the Residential Tenancies Branch for a rent status report. A rent status report provides information on a property's rent history and can alert people to potential rent increase problems. The application and authorization forms can be downloaded from the Branch's website. In 2010, the Branch completed 156 applications for Rent Status Reports. These applications involved 5,947 rental units.

TABLE 3 – CASES OPENED AND CLOSED**Part 9 of *The Residential Tenancies Act***

Case Types	Cases Opened January 1, 2009 – December 31, 2009		Cases Opened January 1, 2010 – December 31, 2010		Cases Closed January 1, 2009 – December 31, 2009		Cases Closed January 1, 2010 – December 31, 2010		Appeals to Commission	
	Bldgs.	Units	Bldgs.	Units	Bldgs.	Units	Bldgs.	Units	Bldgs.	Units
Application for Laundry Increase	23	1,041	9	315	19	660	14	672	0	0
Application for Rehabilitation – Whole Complex	50	1,793	51	1,248	44	925	34	728	9	232
Application for Rehabilitation – Specified Unit	52	125	52	145	48	132	52	141	2	2
Application for Rent Increase	328	19,041	312	18,094	283	17,823	388	23,627	118	1,932
Application for Service Withdrawal	14	141	11	503	17	391	10	94	0	0
Application for Tenant Request for Improvements	76	76	11	11	74	74	10	10	0	0
Compliance ¹	1,376	4,434	755	2,203	998	2,504	808	2,277	4	23
Life Lease – Request for Rent Review	6	177	5	151	7	271	4	155	1	1
Rent Status Reports	167	6,972	149	5,882	161	6,717	156	5,947	N/A	N/A
Tenant Objection to Guideline Increase or Less	110	113	36	44	121	130	39	41	0	0
TOTALS	2,202	33,913	1,391	28,596	1,772	29,627	1,515	33,692	134	2,190

1. The electronic validation of rent increase notices' system became fully operational in 2009. The number of rent increases flagged for review (compliance) by the system increased temporarily as a result.

TABLE 4
ORDERS ISSUED BY TYPE

	<u>January 1, 2009 – December 31, 2009</u>	<u>January 1, 2010 – December 31, 2010</u>
Compensation Claim (1)	1,426	1,455
Determination (2)	24	35
Mediated Agreement Default	406	475
Order of Possession		
Granted	618	649
Denied	148	134
Conditional (3)	13	3
Rent Redirect (4)	942	687
Rent Regulation	20,402	25,359
Repairs		
Order to Repair	244	190
Closing Order (5)	15	29
Security Deposit (6)	161	229
Utilities	141	156
Other (7)	<u>12</u>	<u>7</u>
TOTAL	<u>24,552</u>	<u>29,408</u>

(1) A Compensation Claim Order is issued following a hearing where the Branch hears submissions and evidence regarding a claim filed by a landlord or a tenant. This figure includes Orders issued on compensation claims that are part of applications for an Order of Possession. When the Branch grants an Order of Possession, it often issues a second Order regarding the claim for compensation.

(2) Decisions issued in response to questions arising under Parts 1 – 8 of *The Residential Tenancies Act* or *The Life Leases Act*.

(3) A Conditional Order of Possession is one that requires the tenant to meet certain conditions. If they do not comply, the Order of Possession is granted.

(4) The Branch orders tenants to pay rent to the Branch to pay for repairs or utility bills and to enforce orders to refund security deposits or rent overpayments. In 2009, the Branch issued more rent redirect orders than in 2010. This was attributable to an increase in the number of cases relating to landlords' non-payment of utilities.

(5) A Closing order is issued to prevent a landlord from re-renting a vacant unit before completing certain repairs. The landlord was previously ordered to make the repairs by the Branch or other government authority.

(6) This number shows only those cases where the claim was limited to the amount of the security deposit or less.

(7) Other includes orders relating to abandonments and seizure of tenants' belongings.

INFORMATION/EDUCATION ACTIVITIES

Telephone Calls/Interviews

The Branch has an Interactive Voice Response System. This service is available for callers to the Winnipeg general information line as well as to people calling on the toll-free number. Callers may choose to:

- speak to a Client Services Officer
- listen to recorded information segments about rent increases, deposits, landlord and tenant responsibilities and repairs
- have fact sheet information automatically faxed to them
- calculate the interest payable on a security deposit
- listen to recorded information on the Branch's location and hours of business
- add their name to the mailing list for the Branch's newsletter.

In total, in 2010, the Branch handled 67,115 phone calls through its three regional offices. Of those, Client Services Officers in the Branch's Brandon and Thompson offices answered 6,213 calls directly. In Winnipeg, the Interactive Voice Response System (IVR) receives the calls first and distributes them according to the callers' specifications. Statistics show that 9,149 of the total callers received the information they needed without speaking to a Client Services Officer. Client Services Officers in Winnipeg responded to the remaining 51,753 calls. Phone call statistics do not include calls received by Residential Tenancies Branch Officers on specific cases. In addition to the phone calls for information, approximately 8,288 people came to Branch offices to request information. The Branch also responded to 4,596 e-mail inquiries in 2010.

Speaking Engagements

In 2010, staff of the Residential Tenancies Branch made 42 presentations for 952 tenants and held 3 sessions for 66 landlord participants. The Branch made seven presentations for student groups involving 109 participants.

The Branch had information booths at various venues including the Philippine Canadian Centre, the Seniors Housing and Lifestyles Expo, Manitoba Bar Association's Law Day Open House, the University of Manitoba's Orientation and Training Week, Rotary International Career Symposium, the Professional Property Managers Association's "Suite Living", and the West Broadway Housing Forum. Staff had the opportunity to speak with approximately 1,800 people at these displays.

Website

The Residential Tenancies Branch's website @ www.manitoba.ca/rtb provides answers to several frequently asked questions. The information is available in English and French. The website had 162,193 visits (logons) from January 1, 2010 to December 31, 2010. The website features the following:

- *Legislation*

The website has links to *The Residential Tenancies Act*, *The Life Leases Act* and *The Condominium Act* and the regulations for each Act.

- *Forms*

Landlords and tenants can download the most commonly used residential tenancy forms. The forms include regulation forms as well as the claim and application for an order of possession forms. Landlords can complete Notice of Rent Increase and Notice to New Tenant forms on-line and submit to the Branch electronically. The electronic method saves mailing costs, speeds delivery times and helps the Branch process forms faster.

- *Deposits*

The website has an automated deposit interest calculation feature. A webpage also informs tenants about unclaimed monies. If a landlord owes a deposit to a tenant whose whereabouts is unknown, the landlord must send the money to the Branch. The Branch also holds rent overpayments that have been recovered on a tenant's behalf. If a tenant believes they are entitled to money that the Branch may be holding, they can check online. The tenant can also download and print an application for the refund of the money. Tenants who do not have internet access can still get the information by phone or in person.

- *Orders System*

The Orders System provides information on the orders issued by the Branch and the Residential Tenancies Commission, except for rent regulation orders. Clients can access the system by:

- paying an annual subscription fee of \$250.00 and receiving a password; or
- paying a fee to search on-line at Branch offices; there is a \$5.00 charge for each 30 minute search.

Users can search the system by landlord or tenant name or by the address of a residential complex. Searches can also be done based on the type of order (e.g. security deposit, repair) or by topic (e.g. carpets, rent arrears). In 2010, there were 6,287 searches using the on-line Orders System.

- *Policies & Procedures Guidebook*

The Branch has a Policies & Procedures Guidebook, available in both English and French, to assist landlords, tenants and staff. As changes occur to legislation or policy, the guidebook is updated accordingly. The guidebook provides information on those areas not specifically dealt with in *The Residential Tenancies Act*. It also sets out the procedures for how the Branch handles most of the issues landlords and tenants refer to the Branch. The guidebook has 13 sections on topics like: deposits, rent regulation, mediation, hearings and repairs. The Branch offered copies of the guidebook to various landlord and tenant organizations, all major libraries in the province as well as to local universities and colleges.

Branch Newsletter

In 2010, the Branch produced four issues of “Open Doors”, its quarterly newsletter. The newsletter provides information on changes to the legislation or Branch procedures and includes articles on topics of interest to landlords and tenants. Anyone interested in receiving the newsletter can add their name to the mailing list by calling the Branch or visiting the Branch’s website. The Branch has approximately 1,700 people on its mailing list. The Branch distributes an additional 1,000 copies of the newsletter to various public libraries as well as libraries at educational institutions. Clients can choose to receive the newsletter by mail or e-mail. The newsletter is also available on the website.

TABLE 5
INFORMATION STATISTICS

	<u>January 1, 2009 – December 31, 2009</u>	<u>January 1, 2010 – December 31, 2010</u>
Total Calls for Information ₁		
Winnipeg	58,600	60,902
Brandon	2,345	2,658
Thompson	<u>4,145</u>	<u>3,555</u>
Total	65,090	67,115
Interviews ₂		
Winnipeg	6,727	6,858
Brandon	1,548	1,406
Thompson	<u>12</u>	<u>24</u>
Total	8,287	8,288
E-mail Requests for Information	4,019	4,596
Website visits	190,264	162,193

1. These figures reflect the number of calls for information received through the Branch general information lines and do not include additional 40,000 – 50,000 calls made directly to Residential Tenancies Officers.
2. This statistic represents the number of interviews conducted where the client received information only and a formal case was not opened.

EDUCATION ACTIVITIES

	<u>January 1, 2009 – December 31, 2009</u>		<u>January 1, 2010 – December 31, 2010</u>	
Speaking Engagements for:	Sessions	Attendance	Sessions	Attendance
Tenants	57	1,258	42	952
Landlords	17	496	3	66
Students	13	455	7	109
Service Providers	34	635	0	0
Total	121	2,844	52	1,127
Educational Displays	6	1,500	10	1,800

SECURITY DEPOSIT COMPENSATION FUND

When a landlord owes a former tenant certain money, but cannot locate the tenant, *The Residential Tenancies Act* requires the landlord to send the money to the Branch. This happens when a landlord:

- holds all or part of a deposit and has no claim against the money;
- has overcharged a tenant rent and must refund the money;
- holds excess proceeds from the authorized sale of a tenant's abandoned personal property.

The Branch holds these monies for two years. During that period, tenants can ask the Branch for any money owed to them. After two years, the Branch transfers any unclaimed money to the Security Deposit Compensation Fund. During 2010, \$22,801.93 was transferred into the fund after the two-year period. The purpose of the fund is to return deposits to tenants who are entitled to the money. Sometimes when the Branch orders a landlord to return a deposit to a tenant, the landlord does not comply with the order. The Branch will usually enforce the order by redirecting rent to recover the outstanding deposit. However, in some cases, redirecting rent is not possible, for example, if the landlord no longer owns rental property or owes money to several creditors. If the Branch does not believe it can recover the deposit within a reasonable period of time, it may pay the tenant from the fund. In 2010, \$1,158.10 was paid to four tenants.

After the money is paid to a tenant, the Branch continues to try to recover the money from the landlord through rent redirects, garnishing orders and the Canada Revenue Agency's set-off program. During this reporting period, the Branch recovered \$1,520.25.

Under Section 36(4) of *The Residential Tenancies Act*, when the balance in the Security Deposit Compensation Fund exceeds \$30,000, the Branch may use the excess funds

towards the cost of providing educational programs for landlords, tenants and other clients. In 2010, the Branch spent \$13,531.60 for that purpose. This included the Branch's newsletter, landlord/tenant information displays and brochures, and the translation of several fact sheets into Arabic, Punjabi, Somali, Spanish, Swahili and Tagalog. The balance in the fund at the end of 2010 was \$141,927.72.

TABLE 6

SECURITY DEPOSIT COMPENSATION FUND ACCOUNTING SUMMARY

Balance as of January 1, 2010	\$132,295.24
Monies transferred into Fund ₁	22,801.93
Less: Monies paid to tenants to satisfy security deposit orders	(1,158.10)
Monies recovered from landlords through enforcement ₂	1,520.25
Less: Expenditures for educational purposes ₃	<u>(13,531.60)</u>
Balance as of December 31, 2010	\$141,927.72

1. These funds were held by the Branch for two years from the date of receipt and include unclaimed security deposits, rent refunds and property sale proceeds.
2. The Branch recovered this money through rent redirects, garnishing orders and the Canada Revenue Agency's set-off program.
3. Expenditures: newsletter, landlord/tenant information displays, brochures and translation of several fact sheets into six different languages.

Note: Section 36(4) of *The Residential Tenancies Act* states that when the balance in the Security Deposit Compensation Fund exceeds \$30,000, the excess may be used to contribute towards the cost of providing educational programs for landlords, tenants and the public.