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The Residential Tenancies Branch

FACT SHEET

Cette information existe également en français.
Composez le 204-945-2476.

Rehabilitation Scheme

Your landlord has applied to the Residential Tenancies Branch for approval of a rehabilitation scheme for the complex where you live. This means that they want to do major improvements (renovations) to the building and the rental units.

What is the step-by-step process?

1. After the landlord fills out an application and files it with the branch they must:
 - Tell all tenants, in writing, that they have applied for a rehabilitation scheme.
 - Tell you where and when you can view their application.
2. Officers from the branch will inspect the complex. Your landlord must give you written notice that your unit may be inspected. The notice must be at least 24 hours and not more than two weeks before your unit will be entered.
3. You will receive a letter from the branch, inviting you to view the landlord's application and attend a hearing at the branch (a formal meeting to discuss the application). The hearing is a chance for you to ask questions or talk about any concerns.
4. After this hearing, the officer will send out an order to the landlord and each tenant. This order will say whether the landlord's application has met the conditions of a rehabilitation scheme. If the order approves the rehabilitation application, the landlord can begin the work. The officer may put conditions in the order (for example, the landlord must limit work between 8:00 am and 8:00 pm, etc).
5. Once the landlord completes the work, he/she provides the officer with all of the invoices related to the rehabilitation.
6. The officer sets up a final inspection. If the landlord has done the work in the application and has met the conditions included in the order, the officer will set up a final hearing. The tenants and the landlord will be invited to this hearing. Before the hearing, you can come to the branch office to look at the inspector's report and the landlord's invoices.
7. If the inspector's report says that all of the work has been completed and there are no other issues or concerns, the officer will issue a final order. This order will set out when the **exemption period** starts and how long it will last.

What is an exemption period?

An exemption period is the amount of time a rental unit may be exempt from rent regulation. If your unit is exempt from rent regulation, it means that during the exemption period your landlord can increase your rent, once every twelve months, by an amount they choose. They do not have to follow the rent increase guideline that the government sets each year. The length of the exemption period depends on how much money your landlord spends on their rehabilitation scheme.

(see over)

To decide how much rent to charge while a building is exempt, your landlord might check to see what other landlords in the area are charging. They will compare their rental units to other units in the area and set the rents based on that. For example, if most one-bedroom apartments (with similar features as yours) in your area rent for \$800.00 per month, most landlords would charge a similar amount for their units. If they set the rents too high, they may have a hard time filling the units.

I received a Notice of Termination from my landlord after receiving the order from the branch approving the rehabilitation scheme. Do I have to move out?

Note: Landlords cannot give tenants a notice of termination under section 99(1)(b) of *The Residential Tenancies Act* (for renovations) before receiving the first order from the branch approving the scheme.

Sometimes the amount or type of work that the landlord needs to do in your unit means that you may have to move out (for example, the electricity needs to be turned off for a long time during the winter months). If you have to move out and you are in a fixed-term tenancy agreement (for example, one year), your landlord must give you written notice to move. The length of notice your landlord must give depends on the vacancy rate in the area you live. This notice **must** coincide with the end of your fixed-term tenancy agreement. To find out the length of notice go to <http://www.gov.mb.ca/cca/rtb/whatsnewpage/noticetomove.pdf> or call the branch.

If you have school-age children who go to a school that is reasonably accessible to your unit, you can't be asked to move between September 1 and June 30.

If you get a Notice to Tenant – Rehabilitation Scheme for All or Part of a Residential Complex Form (this is the form landlords must use to tell tenants they are applying for a Rehabilitation Scheme) and you want to move out, you can give your landlord notice of two rental payment periods. For example, you pay your rent on the first of the month. You want to move out on August 31. You must give notice on or before June 30.

If you don't think you need to move out while the work is being completed, you can talk to your landlord about it. If you still disagree, call the branch and speak to the officer in charge of the application.

If you live in a complex that is registered or is going to be registered as a condominium, your landlord may not be able to give you notice to move out.

If you get a notice and you aren't sure if you need to move out, call the branch for more information

When can my landlord start to charge the new rent?

If you don't move out of the building while the rehabilitation work is being done, your landlord must give you three months' written notice of an increase in rent. This increase should coincide with the completion date of the scheme. For example, if they expect to start their exemption period on December 1 (work completed and approval given) they have to give you notice of the rent increase on or before August 31.

If you are in a fixed-term tenancy agreement (for example, a one year term that runs from January 1 to December 31) your rent cannot be increased until the end of your fixed term. If the rehabilitation was approved earlier than the end of your fixed term (for example, if the rehabilitation was effective September 1), the landlord couldn't start to charge you the new rent until the end of your term.

What about my moving costs?

If you get a notice to move out because of renovation work, your landlord must pay your reasonable moving costs, up to \$500.00. Reasonable moving costs include things like the cost of renting a truck/van, paying a moving company, food and drink for your helpers.

What if I want to move back into my unit when the work is complete?

If you want to move back into your unit when the work is complete, you must tell your landlord, **in writing before you move out**. You must give your landlord a way to get in touch with you. You must keep your forwarding address current with your landlord while the renovations are happening.

Important information for tenants:

If a landlord carries out renovations in a way that maximizes inconvenience to tenants and this causes the tenant(s) to move out of the unit, the landlord is considered to have terminated (ended) the tenancy. If this happens, the landlord may have to pay:

- the tenant's moving costs, up to the amount allowed under the Act, and
- the tenant's reasonable extra expenses they may have because of the move (this may include the greater of one month's rent [and tenant services charge] and any increase in rent [and tenant services charges] that the tenant may have to pay, for up to 12 months).

If you have any questions about this or need other information, please call the branch office nearest you.

This information is available in multiple formats upon request.