

The following electronic version is for informational purposes only.
The printed version remains the official version.

HONOURABLE SELINA ROBINSON
MINISTER OF MUNICIPAL AFFAIRS AND HOUSING

BILL 16 – 2017

TENANCY STATUTES AMENDMENT ACT, 2017

HER 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

Explanatory Note

SECTION 1: [Manufactured Home Park Tenancy Act, section 1]

- adds definitions of "float home" and "sublease agreement";
- amends the definition of "manufactured home".

1 Section 1 of the Manufactured Home Park Tenancy Act, S.B.C. 2002, c. 77, is amended

(a) by adding the following definitions:

"float home" means a structure that is

- (a) designed, constructed or manufactured to float on water,
- (b) used or intended to be used as living accommodation in a fixed location, and
- (c) not capable of movement under its own power;

"sublease agreement" means a tenancy agreement

(a) under which

- (i) the tenant of a manufactured home site transfers the tenant's rights under the tenancy agreement to a subtenant for a period shorter than the term of the tenant's tenancy agreement, and
 - (ii) the subtenant agrees to vacate the manufactured home site at the end of the term of the sublease agreement, and
- (b) that specifies the date on which the tenancy under the sublease agreement ends; , and

(b) in the definition of **"manufactured home"** by striking out "means a structure," and substituting "means a structure, other than a float home,".

Explanatory Note

SECTION 2: [Manufactured Home Park Tenancy Act, section 9]

- is consequential to the creation of, and adds a reference to, a new Part for administrative penalty proceedings;
- authorizes the director to establish and publish rules of procedure for administrative penalty proceedings;
- authorizes the director, in administrative penalty proceedings, to publish notices, decisions, orders, agreements and penalty payment status, and adds orders to the list of items the director may publish under dispute resolution proceedings.

2 Section 9 is amended

(a) in subsection (3) by striking out "under Part 6 [*Resolving Disputes*]" and substituting "under Parts 6 [*Resolving Disputes*] and 6.1 [*Administrative Penalties*]",

(b) in subsection (4) by striking out "section 88.1" and substituting "section 80.1" and by striking out "section 86.1" and substituting "section 80.3",

(c) in subsection (5) (c) by striking out "public, decisions under" and substituting "public, decisions or orders under", and

(d) in subsection (5) by adding the following paragraph:

(d) publish, or otherwise make available to the public, the following:

(i) notices, decisions, orders or agreements made under Part 6.1 or summaries of them;

(ii) penalty payment status.

Explanatory Note

SECTION 3: [*Manufactured Home Park Tenancy Act, section 13*]

- generally eliminates the option of including a requirement to vacate the manufactured home site in a fixed term tenancy agreement;
- adds a reference to regulations that may prescribe circumstances in which a requirement to vacate is authorized, and requires that, if such a regulation applies, a tenancy agreement must include that requirement.

3 Section 13 (2) (f) (iii) is repealed and the following substituted:

(iii) if the tenancy is a fixed term tenancy, the date on which the term ends;

(iii.1) if the tenancy is a fixed term tenancy in circumstances prescribed under section 89 (2) (a.1), that the tenant must vacate the manufactured home site at the end of the term; .

Explanatory Note

SECTION 4: [*Manufactured Home Park Tenancy Act, section 35*] ties rent increase timing rules to the tenant and the manufactured home site rather than to the tenancy agreement.

4 Section 35 (1) (a) is amended by striking out "the tenant's rent was first established under the tenancy agreement" and substituting "the tenant's rent was first payable for the manufactured home site".

Explanatory Note

SECTION 5: ***[Manufactured Home Park Tenancy Act, section 37]***

- removes, from the situations in which a tenancy ends, references to requirements to vacate in fixed term tenancy agreements;
- adds, to the situations in which a tenancy ends, circumstances in which the use of requirements to vacate in fixed term tenancy agreements is authorized by regulation;
- adds sublease agreements to the situations in which a tenancy ends.

5 Section 37 (1) is amended

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

(b) the tenancy agreement is a fixed term tenancy agreement that, in circumstances prescribed under section 89 (2) (a.1), requires the tenant to vacate the manufactured home site at the end of the term; , and

(b) by adding the following paragraph:

(g) the tenancy agreement is a sublease agreement.

Explanatory Note

SECTION 6: ***[Manufactured Home Park Tenancy Act, section 48]***

- adds, to the situations in which a landlord may request an order of possession, circumstances in which a requirement to vacate is authorized by regulation;
- adds sublease agreements to the situations in which a landlord may request an order of possession.

6 Section 48 (2) (c) is repealed and the following substituted:

(c) the tenancy agreement is a fixed term tenancy agreement that, in circumstances prescribed under section 89 (2) (a.1), requires the tenant to vacate the manufactured home site at the end of the term;

(c.1) the tenancy agreement is a sublease agreement; .

Explanatory Note

SECTION 7: ***[Manufactured Home Park Tenancy Act, section 52]*** adds outstanding administrative penalty amounts as a basis for the director to refuse an application for dispute resolution.

7 Section 52 (5) (b) is amended by striking out "outstanding fees" and substituting "outstanding fees or administrative penalty amounts".

Explanatory Note

SECTION 8: ***[Manufactured Home Park Tenancy Act, section 57]*** clarifies that landlords of a manufactured home site, other than the landlord who entered into the tenancy agreement with the tenant, may receive notice of proceedings from the director.

8 Section 57 is amended by adding the following subsection:

(5) The director may order that a landlord be given notice of a dispute resolution proceeding and an opportunity to be heard in the dispute resolution proceeding if, in the director's opinion, the landlord

(a) is a landlord of a tenant who is a party to that dispute resolution proceeding,

(b) did not receive under section 52 (3) notice of that dispute resolution proceeding, and

(c) will be or is likely to be materially affected by the resolution of the dispute.

Explanatory Note

SECTION 9: [***Manufactured Home Park Tenancy Act, section 70***] is consequential to the creation of a new Part for administrative penalty proceedings.

9 Section 70 is amended

(a) in subsection (1) by striking out "the director must" and substituting "the director under this Part must", and

(b) in subsection (3) by striking out "in this Act, a decision or an order of the director" and substituting "in this Part, a decision or an order of the director under this Part".

Explanatory Note

SECTION 10: [***Manufactured Home Park Tenancy Act, heading to Division 1.1 of Part 6***] removes a heading consequential to the relocation of the section regarding application of the *Administrative Tribunals Act*.

10 The heading to Division 1.1 of Part 6 is repealed.

Explanatory Note

SECTION 11: [***Manufactured Home Park Tenancy Act, section 71.1***] provides that the *Administrative Tribunals Act* provisions that apply to dispute resolution proceedings apply to administrative penalty proceedings, and is consequential to the creation of a new Part for administrative penalty proceedings.

11 Section 71.1 is renumbered as section 5.1 and is amended by striking out "and to dispute resolution proceedings under Division 1 of this Part and reviews under Division 2 of this Part" and substituting "and to dispute resolution proceedings under Division 1 of Part 6, reviews under Division 2 of Part 6 and the imposition and review of administrative penalties under Part 6.1".

Explanatory Note

SECTION 12: [***Manufactured Home Park Tenancy Act, Part 6.1***]

- creates a new Part for administrative penalty proceedings;
- adds authority for the director to require production of documents;
- sets requirements for the director's decisions;
- provides rules for correction and clarification of the director's orders.

12 The following Part is added:

Part 6.1 – Administrative Penalties

Investigations

80.1 The director may conduct investigations to ensure compliance with this Act and the regulations whether or not the director has accepted an application for dispute resolution in relation to the matter.

Production of documents

80.2 (1) The director may require a person being investigated under this Part to provide to the director, within a reasonable time, all documents in the person's possession or control related to the investigation in any way.

(2) A person required under subsection (1) to provide documents must comply with the requirement.

Director's decision

80.6 (1) A decision of the director under this Part must

(a) be in writing,

(b) be signed and dated by the director, and

(c) include the reasons for the decision.

(2) Except as otherwise provided in this Part, a decision or an order of the director under this Part is final and binding on the person subject to the decision or order.

Correction or clarification of decisions or orders

80.7 (1) The director may, with or without a hearing,

(a) correct typographic, grammatical, arithmetic or other similar errors in his or her decision or order,

(b) clarify the decision or order, and

(c) deal with an obvious error or inadvertent omission in the decision or order.

(2) The director may take the steps described in subsection (1)

(a) on the director's own initiative, or

(b) at the request of the person subject to the decision or order, which request, for subsection (1) (b) and (c), must be made within 15 days after the decision or order is received.

(3) The director must not act under this section unless the director considers it just and reasonable to do so in all the circumstances.

Explanatory Note

SECTION 13: [*Manufactured Home Park Tenancy Act, section 82*] is consequential to the creation of a new Part for administrative penalty proceedings.

13 Section 82 (3) is amended by striking out "section 86.21" and substituting "section 80.5".

Explanatory Note

SECTION 14: [*Manufactured Home Park Tenancy Act, section 83*] clarifies that deemed service dates do not apply where actual service dates are known.

14 Section 83 is amended by striking out "or 82 [*special rules for certain documents*] is deemed to be received as follows:" and substituting "or 82 [*special rules for certain documents*], unless earlier received, is deemed to be received as follows:".

Explanatory Note

SECTION 15: [*Manufactured Home Park Tenancy Act, heading to Division 2.1 of Part 7*] removes a heading consequential to the creation of a new Part for administrative penalty proceedings.

15 The heading to Division 2.1 of Part 7 is repealed.

Explanatory Note

SECTION 16: [*Manufactured Home Park Tenancy Act, section 86.1*] is consequential to the creation of a new Part for administrative penalty proceedings.

16 Section 86.1 is renumbered as section 80.3.

Explanatory Note

SECTION 17: [*Manufactured Home Park Tenancy Act, section 86.11*] removes the prohibition on *Offence Act* proceedings where an administrative penalty has been imposed.

17 Section 86.11 is repealed.

Explanatory Note

SECTIONS 18 TO 22: [*Manufactured Home Park Tenancy Act, sections 86.2, 86.21, 86.3, 86.31 and 88.1*] are consequential to the creation of a new Part for administrative penalty proceedings.

18 Section 86.2 is renumbered as section 80.4 and is amended by striking out "section 86.1" in both places and substituting "section 80.3".

19 Section 86.21 is renumbered as section 80.5.

20 Section 86.3 is renumbered as section 80.8 and is amended by striking out "section 86.21" and substituting "section 80.5".

21 Section 86.31 is renumbered as section 80.9 and is amended by striking out "section 86.21 and the time for requesting a review under section 86.3" and substituting "section 80.5 and the time for requesting a review under section 80.8".

22 Section 88.1 is repealed.

Explanatory Note

SECTION 23: [*Manufactured Home Park Tenancy Act, section 89*] authorizes regulations to prescribe circumstances in which requirements to vacate may be included in fixed term tenancy agreements.

23 Section 89 (2) is amended by adding the following paragraph:

(a.1) prescribing the circumstances in which a landlord may include in a fixed term tenancy agreement a requirement that the tenant vacate a manufactured home site at the end of the term; .

Explanatory Note

SECTION 24: [*Manufactured Home Park Tenancy Act, section 89*] is consequential to the creation of a new Part for administrative penalty proceedings.

24 Section 89 (2) (r.1) is amended by striking out "section 86.1" in both places and substituting "section 80.3".

Explanatory Note

SECTION 25: *[Manufactured Home Park Tenancy Act, section 96.2]* adds a transitional provision regarding existing requirements to vacate in fixed term tenancy agreements.

25 The following section is added:

Transition – fixed term tenancy agreements

96.2 (1) If a fixed term tenancy agreement entered into before this section comes into force requires that a tenant must vacate the manufactured home site on a specified date, the requirement to vacate the manufactured home site ceases to have effect as of the date this section comes into force, except

- (a) if the tenancy agreement is a sublease agreement,
- (b) if circumstances prescribed under section 89 (2) (a.1) apply, or
- (c) if, before the day this Act receives First Reading in the Legislative Assembly,
 - (i) the landlord entered into a tenancy agreement, to begin after the expiry of an existing tenancy agreement that includes a requirement to vacate the manufactured home site, with a new tenant for the manufactured home site, or
 - (ii) the director granted an order of possession to the landlord on the basis of a requirement to vacate the manufactured home site in an existing tenancy agreement.

(2) For the purposes of enforcing a requirement that remains in effect under subsection (1), sections 37 and 48 continue to apply as they read immediately before this section comes into force.

Residential Tenancy Act

Explanatory Note

SECTION 26: *[Residential Tenancy Act, section 1]* adds a definition of "sublease agreement".

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

"**sublease agreement**" means a tenancy agreement

- (a) under which
 - (i) the tenant of a rental unit transfers the tenant's rights under the tenancy agreement to a subtenant for a period shorter than the term of the tenant's tenancy agreement, and
 - (ii) the subtenant agrees to vacate the rental unit at the end of the term of the sublease agreement, and
- (b) that specifies the date on which the tenancy under the sublease agreement ends; .

Explanatory Note

SECTION 27: *[Residential Tenancy Act, section 9]*

- is consequential to the creation of, and adds a reference to, a new Part for administrative penalty proceedings;
- authorizes the director to establish and publish rules of procedure for administrative penalty proceedings;

- authorizes the director, in administrative penalty proceedings, to publish notices, decisions, orders, agreements and penalty payment status, and adds orders to the list of items the director may publish under dispute resolution proceedings.

27 Section 9 is amended

(a) in subsection (3) by striking out "under Part 5 [*Resolving Disputes*]" and substituting "under Parts 5 [*Resolving Disputes*] and 5.1 [*Administrative Penalties*]",

(b) in subsection (4) by striking out "section 96.1" and substituting "section 87.1" and by striking out "section 94.1" and substituting "section 87.3",

(c) in subsection (5) (c) by striking out "public, decisions under" and substituting "public, decisions or orders under", and

(d) in subsection (5) by adding the following paragraph:

(d) publish, or otherwise make available to the public, the following:

(i) notices, decisions, orders or agreements made under Part 5.1 or summaries of them;

(ii) penalty payment status.

Explanatory Note

SECTION 28: [*Residential Tenancy Act, section 13*]

- generally eliminates the option of including a requirement to vacate the rental unit in a fixed term tenancy agreement;
- adds a reference to regulations that may prescribe circumstances in which a requirement to vacate is authorized, and requires that, if such a regulation applies, a tenancy agreement must include that requirement.

28 Section 13 (2) (f) (iii) is repealed and the following substituted:

(iii) if the tenancy is a fixed term tenancy, the date on which the term ends;

(iii.1) if the tenancy is a fixed term tenancy in circumstances prescribed under section 97 (2) (a.1), that the tenant must vacate the rental unit at the end of the term; .

Explanatory Note

SECTION 29: [*Residential Tenancy Act, section 34*] clarifies that a landlord must not unreasonably withhold consent to a sublease or assignment if there are 6 months or more remaining in the term.

29 Section 34 (2) is amended by striking out "is for 6 months or more" and substituting "has 6 months or more remaining in the term".

Explanatory Note

SECTION 30: [*Residential Tenancy Act, section 38.1*] adds a provision for the expedited resolution of matters of outstanding security or pet damage deposit amounts in certain circumstances.

30 The following section is added:

Order for return of security and pet damage deposit

38.1 (1) A tenant, by making an application under Part 5 [*Resolving Disputes*] for dispute resolution, may request an order for the return of an amount that is double the portion of the security deposit or pet damage deposit or both to which all of the following apply:

(a) the landlord has not applied to the director within the time set out in section 38 (1) claiming against that portion;

(b) there is no order referred to in section 38 (3) or (4) (b) applicable to that portion;

(c) there is no agreement under section 38 (4) (a) applicable to that portion.

(2) In the circumstances described in subsection (1), the director, without any further dispute resolution process, may grant an order for the return of the amount referred to in subsection (1) and interest on that amount in accordance with section 38 (1) (c).

Explanatory Note

SECTION 31: [*Residential Tenancy Act, section 42*] ties rent increase timing rules to the tenant and the rental unit rather than to the tenancy agreement.

31 Section 42 (1) (a) is amended by striking out "the tenant's rent was first established under the tenancy agreement" and substituting "the tenant's rent was first payable for the rental unit".

Explanatory Note

SECTION 32: [*Residential Tenancy Act, section 44*]

- removes, from the situations in which a tenancy ends, references to requirements to vacate in fixed term tenancy agreements;
- adds, to the situations in which a tenancy ends, circumstances in which the use of requirements to vacate in fixed term tenancy agreements is authorized by regulation;
- adds sublease agreements to the situations in which a tenancy ends.

32 Section 44 (1) is amended

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

(b) the tenancy agreement is a fixed term tenancy agreement that, in circumstances prescribed under section 97 (2) (a.1), requires the tenant to vacate the rental unit at the end of the term; , and

(b) by adding the following paragraph:

(g) the tenancy agreement is a sublease agreement.

Explanatory Note

SECTION 33: [*Residential Tenancy Act, section 55*]

- adds, to the situations in which a landlord may request an order of possession, circumstances in which a requirement to vacate is authorized by regulation;
- adds sublease agreements to the situations in which a landlord may request an order of possession.

33 Section 55 (2) (c) is repealed and the following substituted:

(c) the tenancy agreement is a fixed term tenancy agreement that, in circumstances prescribed under section 97 (2) (a.1), requires the tenant to vacate the rental unit at the end of the term;

(c.1) the tenancy agreement is a sublease agreement; .

Explanatory Note

SECTION 34: [**Residential Tenancy Act, section 59**] adds outstanding administrative penalty amounts as a basis for the director to refuse an application for dispute resolution.

34 Section 59 (5) (b) is amended by striking out "outstanding fees" and substituting "outstanding fees or administrative penalty amounts".

Explanatory Note

SECTION 35: [**Residential Tenancy Act, section 64**] clarifies that landlords of a rental unit, other than the landlord who entered into the tenancy agreement with the tenant, may receive notice of proceedings from the director.

35 Section 64 is amended by adding the following subsection:

(5) The director may order that a landlord be given notice of a dispute resolution proceeding and an opportunity to be heard in the dispute resolution proceeding if, in the director's opinion, the landlord

(a) is a landlord of a tenant who is a party to that dispute resolution proceeding,

(b) did not receive under section 59 (3) notice of that dispute resolution proceeding, and

(c) will be or is likely to be materially affected by the resolution of the dispute.

Explanatory Note

SECTION 36: [**Residential Tenancy Act, section 77**] is consequential to the creation of a new Part for administrative penalty proceedings.

36 Section 77 is amended

(a) in subsection (1) by striking out "the director must" and substituting "the director under this Part must", and

(b) in subsection (3) by striking out "in this Act, a decision or an order of the director" and substituting "in this Part, a decision or an order of the director under this Part".

Explanatory Note

SECTION 37: [**Residential Tenancy Act, heading to Division 1.1 of Part 5**] removes a heading consequential to the relocation of the section regarding application of the *Administrative Tribunals Act*.

37 The heading to Division 1.1 of Part 5 is repealed.

Explanatory Note

SECTION 38: [**Residential Tenancy Act, section 78.1**] provides that the *Administrative Tribunals Act* provisions that apply to dispute resolution proceedings apply to administrative penalty proceedings, and is consequential to the creation of a new Part for administrative penalty proceedings.

38 Section 78.1 is renumbered as section 5.1 and is amended by striking out "and to dispute resolution proceedings under Division 1 of this Part and reviews under Division 2 of this Part" and substituting "and to

dispute resolution proceedings under Division 1 of Part 5, reviews under Division 2 of Part 5 and the imposition and review of administrative penalties under Part 5.1".

Explanatory Note

SECTION 39: [*Residential Tenancy Act, Part 5.1*]

- creates a new Part for administrative penalty proceedings;
- adds authority for the director to require production of documents;
- sets requirements for the director's decisions;
- provides rules for correction and clarification of the director's orders.

39 The following Part is added:

Part 5.1 – Administrative Penalties

Investigations

87.1 The director may conduct investigations to ensure compliance with this Act and the regulations whether or not the director has accepted an application for dispute resolution in relation to the matter.

Production of documents

87.2 (1) The director may require a person being investigated under this Part to provide to the director, within a reasonable time, all documents in the person's possession or control related to the investigation in any way.

(2) A person required under subsection (1) to provide documents must comply with the requirement.

Director's decision

87.6 (1) A decision of the director under this Part must

- (a) be in writing,
- (b) be signed and dated by the director, and
- (c) include the reasons for the decision.

(2) Except as otherwise provided in this Part, a decision or an order of the director under this Part is final and binding on the person subject to the decision or order.

Correction or clarification of decisions or orders

87.7 (1) The director may, with or without a hearing,

- (a) correct typographic, grammatical, arithmetic or other similar errors in his or her decision or order,
- (b) clarify the decision or order, and
- (c) deal with an obvious error or inadvertent omission in the decision or order.

(2) The director may take the steps described in subsection (1)

- (a) on the director's own initiative, or

(b) at the request of the person subject to the decision or order, which request, for subsection (1) (b) and (c), must be made within 15 days after the decision or order is received.

(3) The director must not act under this section unless the director considers it just and reasonable to do so in all the circumstances.

Explanatory Note

SECTION 40: [**Residential Tenancy Act, section 89**] is consequential to the creation of a new Part for administrative penalty proceedings.

40 Section 89 (3) is amended by striking out "section 94.21" and substituting "section 87.5".

Explanatory Note

SECTION 41: [**Residential Tenancy Act, section 90**] clarifies that deemed service dates do not apply where actual service dates are known.

41 Section 90 is amended by striking out "or 89 [*special rules for certain documents*] is deemed to be received as follows:" and substituting "or 89 [*special rules for certain documents*], unless earlier received, is deemed to be received as follows:".

Explanatory Note

SECTION 42: [**Residential Tenancy Act, heading to Division 2.1 of Part 6**] removes a heading consequential to the creation of a new Part for administrative penalty proceedings.

42 The heading to Division 2.1 of Part 6 is repealed.

Explanatory Note

SECTION 43: [**Residential Tenancy Act, section 94.1**] is consequential to the creation of a new Part for administrative penalty proceedings.

43 Section 94.1 is renumbered as section 87.3.

Explanatory Note

SECTION 44: [**Residential Tenancy Act, section 94.11**] removes the prohibition on *Offence Act* proceedings where an administrative penalty has been imposed.

44 Section 94.11 is repealed.

Explanatory Note

SECTIONS 45 TO 49: [**Residential Tenancy Act, sections 94.2, 94.21, 94.3, 94.31 and 96.1**] are consequential to the creation of a new Part for administrative penalty proceedings.

45 Section 94.2 is renumbered as section 87.4 and is amended by striking out "section 94.1" in both places and substituting "section 87.3".

46 Section 94.21 is renumbered as section 87.5.

47 Section 94.3 is renumbered as section 87.8 and is amended in subsection (1) by striking out "section 94.21" and substituting "section 87.5".

48 Section 94.31 is renumbered as section 87.9 and is amended in subsection (2) by striking out "section 94.21 and the time for requesting a review under section 94.3" and substituting "section 87.5 and the time for requesting a review under section 87.8".

49 Section 96.1 is repealed.

Explanatory Note

SECTION 50: [*Residential Tenancy Act, section 97*] authorizes regulations to prescribe circumstances in which requirements to vacate may be included in fixed term tenancy agreements.

50 Section 97 (2) is amended by adding the following paragraph:

(a.1) prescribing the circumstances in which a landlord may include in a fixed term tenancy agreement a requirement that the tenant vacate a rental unit at the end of the term; .

Explanatory Note

SECTION 51: [*Residential Tenancy Act, section 97*] is consequential to the creation of a new Part for administrative penalty proceedings.

51 Section 97 (2) (p.1) is amended by striking out "section 94.1" in both places and substituting "section 87.3".

Explanatory Note

SECTION 52: [*Residential Tenancy Act, section 104.3*] adds a transitional provision regarding existing requirements to vacate in fixed term tenancy agreements.

52 The following section is added:

Transition – fixed term tenancy agreements

104.3 (1) If a fixed term tenancy agreement entered into before this section comes into force requires that a tenant must vacate the rental unit on a specified date, the requirement to vacate the rental unit ceases to have effect as of the date this section comes into force, except

- (a) if the tenancy agreement is a sublease agreement,
- (b) if circumstances prescribed under section 97 (2) (a.1) apply, or
- (c) if, before the day this Act receives First Reading in the Legislative Assembly,
 - (i) the landlord entered into a tenancy agreement, to begin after the expiry of an existing tenancy agreement that includes a requirement to vacate the rental unit, with a new tenant for the rental unit, or
 - (ii) the director granted an order of possession to the landlord on the basis of a requirement to vacate the rental unit in an existing tenancy agreement.

(2) For the purposes of enforcing a requirement that remains in effect under subsection (1), sections 44 and 55 continue to apply as they read immediately before this section comes into force.

Consequential Amendments

Administrative Tribunals Statutes Amendment Act, 2015

Explanatory Note

SECTIONS 53 TO 55: [***Administrative Tribunals Statutes Amendment Act, 2015, sections 117 and 131***] are consequential to amendments made by this Bill to the *Manufactured Home Park Tenancy Act*.

53 Section 117 of the Administrative Tribunals Statutes Amendment Act, 2015, S.B.C. 2015, c. 10, as it enacts section 9 (3) of the Manufactured Home Park Tenancy Act, S.B.C. 2002, c. 77, is amended by striking out "Part 6 [*Resolving Disputes*]" and substituting "Part 6 [*Resolving Disputes*] and for the conduct of proceedings under Part 6.1 [*Administrative Penalties*]".

54 Section 131 is amended by striking out "Section 71.1" and substituting "Section 5.1".

55 Section 131, as it enacts section 5.1 of the Manufactured Home Park Tenancy Act, is amended

(a) by striking out "71.1" and substituting "5.1",

(b) in subsection (1) by striking out "and to dispute resolution proceedings under Division 1 of this Part and reviews under Division 2 of this Part" and substituting "and to dispute resolution proceedings under Division 1 of Part 6, reviews under Division 2 of Part 6 and the imposition and review of administrative penalties under Part 6.1", and

(c) in subsection (2) by striking out "for the purposes of this Act" and substituting "for the purposes of Part 6" and by striking out "under this Act" and substituting "under that Part".

Explanatory Note

SECTION 56: [***Administrative Tribunals Statutes Amendment Act, 2015, section 162***] is consequential to amendments made by this Bill to the *Residential Tenancy Act*.

56 Section 162, as it enacts section 9 (3) of the Residential Tenancy Act, S.B.C. 2002, c. 78, is amended by striking out "Part 5 [*Resolving Disputes*]" and substituting "Part 5 [*Resolving Disputes*] and for the conduct of proceedings under Part 5.1 [*Administrative Penalties*]".

Explanatory Note

SECTIONS 57 AND 58: [***Administrative Tribunals Statutes Amendment Act, 2015, section 177***] are consequential to amendments made by this Bill to the *Residential Tenancy Act*.

57 Section 177 is amended by striking out "Section 78.1" and substituting "Section 5.1".

58 Section 177, as it enacts section 5.1 of the Residential Tenancy Act, is amended

(a) by striking out "78.1" and substituting "5.1",

(b) in subsection (1) by striking out "and to dispute resolution proceedings under Division 1 of this Part and reviews under Division 2 of this Part" and substituting "and to dispute resolution proceedings under Division 1 of Part 5, reviews under Division 2 of Part 5 and the imposition and review of administrative penalties under Part 5.1", and

(c) in subsection (2) by striking out "for the purposes of this Act" and substituting "for the purposes of Part 5" and by striking out "under this Act" and substituting "under that Part".

Civil Resolution Tribunal Act

Explanatory Note

SECTION 59: [**Civil Resolution Tribunal Act, section 3.6**] is consequential to amendments made by this Bill to the *Manufactured Home Park Tenancy Act* and the *Residential Tenancy Act*.

59 Section 3.6 (3) (a) of the Civil Resolution Tribunal Act, S.B.C 2012, c. 25, is amended by striking out "Part 5 [*Resolving Disputes*] of the *Residential Tenancy Act*" and substituting "Part 5 [*Resolving Disputes*] or 5.1 [*Administrative Penalties*] of the *Residential Tenancy Act* or Part 6 [*Resolving Disputes*] or 6.1 [*Administrative Penalties*] of the *Manufactured Home Park Tenancy Act*".

Public Service Labour Relations Act

Explanatory Note

SECTION 60: [**Public Service Labour Relations Act, section 1**] is consequential to amendments made by this Bill to the *Manufactured Home Park Tenancy Act* and the *Residential Tenancy Act*.

60 Section 1 (1) of the Public Service Labour Relations Act, R.S.B.C. 1996, c. 388, is amended in paragraph (f.2) of the definition of "employee"

(a) in subparagraph (i) by striking out "Part 5" and substituting "Parts 5 and 5.1", and

(b) in subparagraph (ii) by striking out "Part 6" and substituting "Parts 6 and 6.1".

Strata Property Act

Explanatory Note

SECTION 61: [**Strata Property Act, section 175**] is consequential to amendments made by this Bill to the *Manufactured Home Park Tenancy Act* and the *Residential Tenancy Act*.

61 Section 175 (2) of the Strata Property Act, S.B.C.1998, c.43, is amended

(a) in paragraph (a) by striking out "Part 5 of the *Residential Tenancy Act*" and substituting "Part 5 or 5.1 of the *Residential Tenancy Act* or Part 6 or 6.1 of the *Manufactured Home Park Tenancy Act*", and

(b) in paragraph (b) by striking out "Part 5 of the *Residential Tenancy Act* does not apply" and substituting "Part 5 or 5.1 of the *Residential Tenancy Act* or Part 6 or 6.1 of the *Manufactured Home Park Tenancy Act* do not apply".

Commencement

62 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 1	By regulation of the Lieutenant Governor in Council
3	Sections 3 to 6	By regulation of the Lieutenant Governor in Council
4	Section 23	By regulation of the Lieutenant Governor in Council
5	Sections 25 and 26	By regulation of the Lieutenant Governor in Council
6	Sections 28 to 33	By regulation of the Lieutenant Governor in Council
7	Section 50	By regulation of the Lieutenant Governor in Council

Explanatory Notes

SECTION 1: *[Manufactured Home Park Tenancy Act, section 1]*

- adds definitions of "float home" and "sublease agreement";
- amends the definition of "manufactured home".

SECTION 2: *[Manufactured Home Park Tenancy Act, section 9]*

- is consequential to the creation of, and adds a reference to, a new Part for administrative penalty proceedings;
- authorizes the director to establish and publish rules of procedure for administrative penalty proceedings;
- authorizes the director, in administrative penalty proceedings, to publish notices, decisions, orders, agreements and penalty payment status, and adds orders to the list of items the director may publish under dispute resolution proceedings.

SECTION 3: *[Manufactured Home Park Tenancy Act, section 13]*

- generally eliminates the option of including a requirement to vacate the manufactured home site in a fixed term tenancy agreement;
- adds a reference to regulations that may prescribe circumstances in which a requirement to vacate is authorized, and requires that, if such a regulation applies, a tenancy agreement must include that requirement.

SECTION 4: *[Manufactured Home Park Tenancy Act, section 35]* ties rent increase timing rules to the tenant and the manufactured home site rather than to the tenancy agreement.

SECTION 5: *[Manufactured Home Park Tenancy Act, section 37]*

- removes, from the situations in which a tenancy ends, references to requirements to vacate in fixed term tenancy agreements;
- adds, to the situations in which a tenancy ends, circumstances in which the use of requirements to vacate in fixed term tenancy agreements is authorized by regulation;
- adds sublease agreements to the situations in which a tenancy ends.

SECTION 6: *[Manufactured Home Park Tenancy Act, section 48]*

- adds, to the situations in which a landlord may request an order of possession, circumstances in which a requirement to vacate is authorized by regulation;
- adds sublease agreements to the situations in which a landlord may request an order of possession.

SECTION 7: *[Manufactured Home Park Tenancy Act, section 52]* adds outstanding administrative penalty amounts as a basis for the director to refuse an application for dispute resolution.

SECTION 8: **[*Manufactured Home Park Tenancy Act, section 57*]** clarifies that landlords of a manufactured home site, other than the landlord who entered into the tenancy agreement with the tenant, may receive notice of proceedings from the director.

SECTION 9: **[*Manufactured Home Park Tenancy Act, section 70*]** is consequential to the creation of a new Part for administrative penalty proceedings.

SECTION 10: **[*Manufactured Home Park Tenancy Act, heading to Division 1.1 of Part 6*]** removes a heading consequential to the relocation of the section regarding application of the *Administrative Tribunals Act*.

SECTION 11: **[*Manufactured Home Park Tenancy Act, section 71.1*]** provides that the *Administrative Tribunals Act* provisions that apply to dispute resolution proceedings apply to administrative penalty proceedings, and is consequential to the creation of a new Part for administrative penalty proceedings.

SECTION 12: **[*Manufactured Home Park Tenancy Act, Part 6.1*]**

- creates a new Part for administrative penalty proceedings;
- adds authority for the director to require production of documents;
- sets requirements for the director's decisions;
- provides rules for correction and clarification of the director's orders.

SECTION 13: **[*Manufactured Home Park Tenancy Act, section 82*]** is consequential to the creation of a new Part for administrative penalty proceedings.

SECTION 14: **[*Manufactured Home Park Tenancy Act, section 83*]** clarifies that deemed service dates do not apply where actual service dates are known.

SECTION 15: **[*Manufactured Home Park Tenancy Act, heading to Division 2.1 of Part 7*]** removes a heading consequential to the creation of a new Part for administrative penalty proceedings.

SECTION 16: **[*Manufactured Home Park Tenancy Act, section 86.1*]** is consequential to the creation of a new Part for administrative penalty proceedings.

SECTION 17: **[*Manufactured Home Park Tenancy Act, section 86.11*]** removes the prohibition on *Offence Act* proceedings where an administrative penalty has been imposed.

SECTIONS 18 TO 22: **[*Manufactured Home Park Tenancy Act, sections 86.2, 86.21, 86.3, 86.31 and 88.1*]** are consequential to the creation of a new Part for administrative penalty proceedings.

SECTION 23: **[*Manufactured Home Park Tenancy Act, section 89*]** authorizes regulations to prescribe circumstances in which requirements to vacate may be included in fixed term tenancy agreements.

SECTION 24: **[*Manufactured Home Park Tenancy Act, section 89*]** is consequential to the creation of a new Part for administrative penalty proceedings.

SECTION 25: **[*Manufactured Home Park Tenancy Act, section 96.2*]** adds a transitional provision regarding existing requirements to vacate in fixed term tenancy agreements.

SECTION 26: **[*Residential Tenancy Act, section 1*]** adds a definition of "sublease agreement".

SECTION 27: **[*Residential Tenancy Act, section 9*]**

- is consequential to the creation of, and adds a reference to, a new Part for administrative penalty proceedings;
- authorizes the director to establish and publish rules of procedure for administrative penalty proceedings;
- authorizes the director, in administrative penalty proceedings, to publish notices, decisions, orders, agreements and penalty payment status, and adds orders to the list of items the director may publish under dispute resolution proceedings.

SECTION 28: [*Residential Tenancy Act, section 13*]

- generally eliminates the option of including a requirement to vacate the rental unit in a fixed term tenancy agreement;
- adds a reference to regulations that may prescribe circumstances in which a requirement to vacate is authorized, and requires that, if such a regulation applies, a tenancy agreement must include that requirement.

SECTION 29: [*Residential Tenancy Act, section 34*] clarifies that a landlord must not unreasonably withhold consent to a sublease or assignment if there are 6 months or more remaining in the term.

SECTION 30: [*Residential Tenancy Act, section 38.1*] adds a provision for the expedited resolution of matters of outstanding security or pet damage deposit amounts in certain circumstances.

SECTION 31: [*Residential Tenancy Act, section 42*] ties rent increase timing rules to the tenant and the rental unit rather than to the tenancy agreement.

SECTION 32: [*Residential Tenancy Act, section 44*]

- removes, from the situations in which a tenancy ends, references to requirements to vacate in fixed term tenancy agreements;
- adds, to the situations in which a tenancy ends, circumstances in which the use of requirements to vacate in fixed term tenancy agreements is authorized by regulation;
- adds sublease agreements to the situations in which a tenancy ends.

SECTION 33: [*Residential Tenancy Act, section 55*]

- adds, to the situations in which a landlord may request an order of possession, circumstances in which a requirement to vacate is authorized by regulation;
- adds sublease agreements to the situations in which a landlord may request an order of possession.

SECTION 34: [*Residential Tenancy Act, section 59*] adds outstanding administrative penalty amounts as a basis for the director to refuse an application for dispute resolution.

SECTION 35: [*Residential Tenancy Act, section 64*] clarifies that landlords of a rental unit, other than the landlord who entered into the tenancy agreement with the tenant, may receive notice of proceedings from the director.

SECTION 36: [*Residential Tenancy Act, section 77*] is consequential to the creation of a new Part for administrative penalty proceedings.

SECTION 37: [**Residential Tenancy Act, heading to Division 1.1 of Part 5**] removes a heading consequential to the relocation of the section regarding application of the *Administrative Tribunals Act*.

SECTION 38: [**Residential Tenancy Act, section 78.1**] provides that the *Administrative Tribunals Act* provisions that apply to dispute resolution proceedings apply to administrative penalty proceedings, and is consequential to the creation of a new Part for administrative penalty proceedings.

SECTION 39: [**Residential Tenancy Act, Part 5.1**]

- creates a new Part for administrative penalty proceedings;
- adds authority for the director to require production of documents;
- sets requirements for the director's decisions;
- provides rules for correction and clarification of the director's orders.

SECTION 40: [**Residential Tenancy Act, section 89**] is consequential to the creation of a new Part for administrative penalty proceedings.

SECTION 41: [**Residential Tenancy Act, section 90**] clarifies that deemed service dates do not apply where actual service dates are known.

SECTION 42: [**Residential Tenancy Act, heading to Division 2.1 of Part 6**] removes a heading consequential to the creation of a new Part for administrative penalty proceedings.

SECTION 43: [**Residential Tenancy Act, section 94.1**] is consequential to the creation of a new Part for administrative penalty proceedings.

SECTION 44: [**Residential Tenancy Act, section 94.11**] removes the prohibition on *Offence Act* proceedings where an administrative penalty has been imposed.

SECTIONS 45 TO 49: [**Residential Tenancy Act, sections 94.2, 94.21, 94.3, 94.31 and 96.1**] are consequential to the creation of a new Part for administrative penalty proceedings.

SECTION 50: [**Residential Tenancy Act, section 97**] authorizes regulations to prescribe circumstances in which requirements to vacate may be included in fixed term tenancy agreements.

SECTION 51: [**Residential Tenancy Act, section 97**] is consequential to the creation of a new Part for administrative penalty proceedings.

SECTION 52: [**Residential Tenancy Act, section 104.3**] adds a transitional provision regarding existing requirements to vacate in fixed term tenancy agreements.

SECTIONS 53 TO 55: [**Administrative Tribunals Statutes Amendment Act, 2015, sections 117 and 131**] are consequential to amendments made by this Bill to the *Manufactured Home Park Tenancy Act*.

SECTION 56: [**Administrative Tribunals Statutes Amendment Act, 2015, section 162**] is consequential to amendments made by this Bill to the *Residential Tenancy Act*.

SECTIONS 57 AND 58: [**Administrative Tribunals Statutes Amendment Act, 2015, section 177**] are consequential to amendments made by this Bill to the *Residential Tenancy Act*.

SECTION 59: [**Civil Resolution Tribunal Act, section 3.6**] is consequential to amendments made by this Bill to the *Manufactured Home Park Tenancy Act* and the *Residential Tenancy Act*.

SECTION 60: [**Public Service Labour Relations Act, section 1**] is consequential to amendments made by this Bill to the *Manufactured Home Park Tenancy Act* and the *Residential Tenancy Act*.

SECTION 61: [**Strata Property Act, section 175**] is consequential to amendments made by this Bill to the *Manufactured Home Park Tenancy Act* and the *Residential Tenancy Act*.