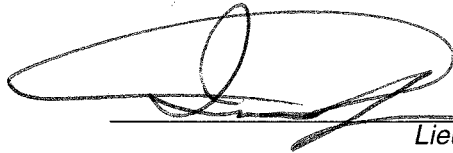


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 571, Approved and Ordered

JUL 20 2006


Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective October 1, 2006,

- (a) the following provisions of the *Tenancy Statutes Amendment Act, 2006*, S.B.C. 2006, c. 35, are brought into force:
- (i) sections 1 to 47, 48 (a) and (b), 50, 51, 52 (a), 53 and 54;
 - (ii) section 55, except paragraph (b) insofar as it enacts the definitions of “assisted or supported living residence”, “assisted or supported living unit” and “service agreement”;
 - (iii) section 56;
 - (iv) section 57, except insofar as it repeals and replaces section 4 (g) (v);
 - (v) sections 58 to 66;
 - (vi) section 67, except insofar as it enacts section 44 (1) (a) (viii);
 - (vii) sections 68, 69 and 71 to 77;
 - (viii) section 78 (b) insofar as it repeals and replaces the words before section 56 (2) (a);
 - (ix) sections 79, 81 to 107 and 108 (a) and (b);
 - (x) section 110 (a) and (b), except insofar as it enacts section 95 (1) (n);
 - (xi) sections 111, 112 (a) and 113;
 - (xii) section 114 insofar as it enacts section 104.1;
 - (xiii) sections 115 to 117,
- (b) the *Manufactured Home Park Tenancy Regulation*, B.C. Reg. 481/2003, is amended as set out in sections 1 to 10 of the attached Schedule, and
- (c) the *Residential Tenancy Regulation*, B.C. Reg. 477/2003, is amended as set out in sections 11 to 22 of the attached Schedule.



Minister of Forests and Range and Minister
Responsible for Housing



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- *Tenancy Statutes Amendment Act, 2006*, S.B.C. 2006, c. 35, s. 118; *Manufactured Home Park Tenancy Act*, S.B.C. 2002, c. 77, s. 89; *Residential Tenancy Act*, S.B.C. 2002, c. 78, s. 97

Other (specify):- oic 1236/2003 and 1239/2004

June 21, 2006

643 /2006/14

SCHEDULE

Manufactured Home Park Tenancy Act

1 *Section 7 of the Manufactured Home Park Tenancy Regulation, B.C. Reg. 481/2003, is amended by striking out “an applicant for arbitration” and substituting “an applicant for dispute resolution”.*

2 *Section 9 (1) is repealed and the following substituted:*

- (1) For the purposes of section 58 (2) of the Act [*recovery of costs*], “**costs**” means
 - (a) the direct costs of the director’s administration of an order under section 58 (1) (a) of the Act [*rent paid to director*],
 - (b) \$100 for the cost of establishing each trust account, and
 - (c) \$5 for each transaction in the trust account.

3 *Section 11 is amended*

(a) in subsection (1) by striking out everything before paragraph (a) and substituting “A landlord must ensure that a tenancy agreement is”, and

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

- (2) A landlord must ensure that the terms of a tenancy agreement required under section 13 [*requirements for a tenancy agreement*] of the Act and section 12 [*standard terms*] of this regulation are set out in the tenancy agreement in a manner that makes them clearly distinguishable from terms that are not required under those sections.

4 *Section 12 is repealed and the following substituted:*

Terms that must be included in a tenancy agreement

- 12** (1) A landlord must ensure that a tenancy agreement contains
- (a) the standard terms, and
 - (b) the boundaries of the manufactured home site measured from a fixed point of reference.

(1.1) The terms set out in the schedule are prescribed as the standard terms.

5 *Section 32 (3) and (4) are repealed.*

6 *Section 33 is amended*

- (a) in subsection (3) by striking out “The arbitrator” and substituting “The director”,*
- (b) in subsection (3) (d) and (4) by striking out “the arbitrator” and substituting “the director”,*

- (c) *in subsections (3) (g), (j) and (k), (4) (d) and (5) by striking out “an arbitrator” and substituting “the director”,*
- (d) *in subsection (3) (k) by striking out “in an arbitration of” and substituting “in dispute resolution proceedings in relation to”, and*
- (e) *in subsection (3) (k) (ii) by striking out “an arbitrator’s order” and substituting “an order of the director”.*

7 Section 39 (6) is repealed and the following substituted:

- (6) The purchaser of personal property disposed of in accordance with this Part acquires a marketable title free of all encumbrances on payment of the taxes owing in relation to the personal property or the sale.

8 Section 41 is repealed.

9 Section 48 (h) is amended by striking out “an arbitrator;” and substituting “the director;”.

10 The Schedule is amended

- (a) *in sections 1 (3) (d) and 7 (1) (b) by striking out “an arbitrator’s order” and substituting “an order of the director”,*
- (b) *in section 6 (1) (b) by striking out “an order of an arbitrator” and substituting “an order of the director”,*
- (c) *in section 6 (2) by striking out “apply for arbitration” and substituting “make an application for dispute resolution”,*
- (d) *in section 7 (2) (b) by striking out “may seek a monetary order through arbitration under the Manufactured Home Park Tenancy Act” and substituting “may make an application for dispute resolution under the Manufactured Home Park Tenancy Act seeking an order of the director”,*
- (e) *in section 8 (3) by striking out “through arbitration” and substituting “by applying for dispute resolution”,*
- (f) *in section 9 (2) by striking out “unless the landlord consents to the change.” and substituting “unless the landlord agrees in writing to the change.”,*
- (g) *in section 10 (2) (e) by striking out “order of an arbitrator or court” and substituting “order of the director or of a court”, and*
- (h) *in section 13 by striking out “to apply for arbitration to resolve a dispute,” and substituting “to make an application for dispute resolution,”.*

Residential Tenancy Act

11 The following section is added to the Residential Tenancy Regulation, B.C. Reg. 477/2003:

Public housing bodies

- 3.1** The persons and organizations set out in section 2 (a) to (g) of this regulation are prescribed as public housing bodies for the purposes of section 49.1 of the Act.
- 12** *Section 8 is amended by striking out “an applicant for arbitration” and substituting “an applicant for dispute resolution”.*
- 13** *Section 10 (1) is repealed and the following substituted:*
- (1) For the purposes of section 65 (2) of the Act [*recovery of costs*], “costs” means
 - (a) the direct costs of the director’s administration of an order under section 65 (1) (a) of the Act [*rent paid to director*],
 - (b) \$100 for the cost of establishing each trust account, and
 - (c) \$5 for each transaction in the trust account.
- 14** *Section 12 is amended*
- (a) *in subsection (1) by striking out everything before paragraph (a) and substituting “A landlord must ensure that a tenancy agreement is”, and*
 - (b) *by repealing subsection (2) and substituting the following:*
 - (2) A landlord must ensure that the terms of a tenancy agreement required under section 13 [*requirements for a tenancy agreement*] of the Act and section 13 [*standard terms*] of this regulation are set out in the tenancy agreement in a manner that makes them clearly distinguishable from terms that are not required under those sections.
- 15** *Section 13 is amended by repealing subsection (1) and substituting the following:*
- (1) A landlord must ensure that a tenancy agreement contains the standard terms.
 - (1.1) The terms set out in the schedule are prescribed as the standard terms.
- 16** *Section 21 is amended by striking out “In an arbitration,” and substituting “In dispute resolution proceedings,”.*
- 17** *Section 22 (3) and (4) are repealed.*
- 18** *Section 23 is amended*
- (a) *in subsection (3) by striking out “The arbitrator” and substituting “The director”,*
 - (b) *in subsection (3) (d) and (4) by striking out “the arbitrator” and substituting “the director”,*
 - (c) *in subsections (3) (g), (j) and (k), (4) (d) and (5) by striking out “an arbitrator” and substituting “the director”,*
 - (d) *in subsection (3) (k) by striking out “in an arbitration of” and substituting “in dispute resolution proceedings in relation to”, and*
 - (e) *in subsection (3) (k) (ii) by striking out “an arbitrator’s order” and substituting “an order of the director”.*

19 Section 29 (6) is repealed and the following substituted:

- (6) The purchaser of personal property disposed of in accordance with this Part acquires a marketable title free of all encumbrances on payment of the taxes owing in relation to the personal property or the sale.

20 Section 31 is repealed.

21 Section 32 (e) is repealed and the following substituted:

- (e) section 13 (1) [*agreement must include standard terms*].

22 Schedule 1 is amended

- (a) **in section 1 (3) (c) by striking out “an arbitrator’s order” and substituting “an order of the director”,**
- (b) **in section 2 (1) (c) (ii) by striking out “applies for arbitration” and substituting “makes an application for dispute resolution”,**
- (c) **section 4 (3) is repealed and the following substituted:**
 - (3) The right of the landlord to claim against a security deposit or a pet damage deposit, or both, for damage to residential property is extinguished if the landlord does not perform the landlord’s obligations under sections 23 and 35 of the *Residential Tenancy Act*.
 - (4) A right of the tenant to the return of a security deposit or a pet damage deposit, or both, is extinguished if the tenant fails to perform the tenant’s obligations under section 23 and 35 of the *Residential Tenancy Act*.
- (d) **in section 7 (2) by striking out “apply for arbitration” and substituting “make an application for dispute resolution”,**
- (e) **in section 8 (1) (b) by striking out “may seek an arbitrator’s order under the *Residential Tenancy Act*” and substituting “may make an application for dispute resolution under the *Residential Tenancy Act* seeking an order of the director”,**
- (f) **in section 8 (2) (b) “may seek a monetary order through arbitration under the *Residential Tenancy Act*” and substituting “may make an application for dispute resolution under the *Residential Tenancy Act* seeking an order of the director”,**
- (g) **in section 9 (3) by striking out “through arbitration” and substituting “by applying for dispute resolution”,**
- (h) **by repealing section 10 (3) (b) and substituting the following:**
 - (b) his or her rental unit, unless the landlord agrees in writing to, or the director has ordered, the change. ,
- (i) **in section 11 (2) (e) by striking out “order of an arbitrator or court” and substituting “order of the director or of a court”,**
- (j) **in section 11 (4) by striking out “may apply for an arbitrator’s order under the *Residential Tenancy Act*,” and substituting “may make an application for dispute resolution under the *Residential Tenancy Act* seeking an order of the director”, and**

(k) *in section 14 by striking out “to apply for arbitration to resolve a dispute,” and substituting “to make an application for dispute resolution,”.*