

## **Beyond the Residential Tenancy Act: Creating New Regulations in British Columbia to Oversee Post-Secondary Institutional Housing**

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Unlike market residential housing, student housing owned and operated by post-secondary institutions is currently not regulated by BC provincial law. The *Residential Tenancy Act* (RTA) does not apply to “living accommodation owned or operated by an educational institution and provided by that institution to its students or employees.”<sup>1</sup> As such, post-secondary institutions in British Columbia can establish residential contracts and other policies that largely ignore the rights of students.

The complete absence of regulations means that post-secondary institutions are free to increase rent by any amount, even if no improvements are made to the rental units. While the RTA mandates a minimum notice period before landlords can enter a tenant’s dwelling or before a residential contract can be terminated, BC post-secondary institutions are not obligated to follow these minimum privacy and housing security standards. Furthermore, post-secondary institutions are not subject to the basic requirements of the Act with respect to minimal building maintenance, or the landlord’s obligation and the tenant’s right to make emergency repairs in a timely fashion and without charge.

The lack of provincial legislation also means that no third party is tasked with ensuring the welfare of students in institutional housing, nor is there an impartial organization empowered to resolve disputes between post-secondary institutions and their student tenants. In essence, this means that students have no legal recourse against their institutions in the event of a dispute unless they can demonstrate that provincial law or regulation has been broken, a step that only a small number can afford.

Legislation in other provinces shows that provincial regulation of post-secondary institutional housing is feasible. Students living in some, if not all, institutional housing arrangements are covered by provincial legislation in Alberta, New Brunswick, and Quebec.<sup>2</sup>

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<sup>1</sup> [Residential Tenancy Act](#), SBC 2002, c. 78: Part 1, division 1, section 4b. This decision stems from a case at UBC’s Acadia Park residences, where a student refused to leave their apartment after the four-year statutory period. In other words, legislators chose the blunt instrument of completely removing student housing from the purview of the RTA, rather than adjusting the Act to better reflect the reality of post-secondary students and institutions.

<sup>2</sup> Canadian Mortgage and Housing Corporation “Provincial and Territorial Fact Sheets” <http://www.cmhc-schl.gc.ca/en/co/reho/yogureho/fash/>

In light of these considerations, British Columbia's student societies urge the government of British Columbia to adopt regulations to oversee post-secondary housing owned and operated by their institutions. The regulations should be inspired directly by the current Residential Tenancy Act, and should establish:

- a maximum annual rent increase;
- a minimum notice period before landlords can enter into tenant's home;
- a minimum notice period before a residential contract can be terminated;
- third party dispute resolution, when other avenues have been exhausted;
- obligations for building repairs and other issues as identified in the report entitled *Residence Contract Assessment and Recommendations*.<sup>3</sup>

However, the regulations should also reflect the unique situation of post-secondary students and institutions. Special policies such as 'quiet hours', among others, should be permitted under the legislation.

In the long term, the AMS is of the view that the government should also adopt new legislation specifically targeted at regulating the housing provided by post-secondary institutions. Once again, this legislation should ensure that the spirit of the RTA is respected, while recognizing the special nature of institutional housing.

The AMS is currently consulting with the Alliance of British Columbia Students and Simon Fraser Student Society about working together to advocate for the adoption of such provincial regulations.

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<sup>3</sup> This report can be viewed at [www.ams.ubc.ca/wp-content/uploads/2015/01/AMS-Residence-Contract-Assessment-and-Recommendations.pdf](http://www.ams.ubc.ca/wp-content/uploads/2015/01/AMS-Residence-Contract-Assessment-and-Recommendations.pdf)