

**From:** Karen Ross [REDACTED]  
**Sent:** Tuesday, February 28, 2023 11:18 PM  
**To:** patriciaann maloney; Sadie Chezenko; Alex Allen; Grant Scott; northinfo  
**Cc:** Eulala; Patrick Lui; Angela Hudson (personal); Ray Therrien; Michelle Easterly; michaelwilliams@telus.net; Karen Young; Arafin Graham; Donna Tuele  
**Subject:** Fwd: Landlords use of Property

FYI, hoping to clear up a comment from the Monday meeting for Hornby.

Legal opinion on the May 2018 change to the BC Residential Tenancy Act.  
Karen Ross

Begin forwarded message:

**From:** Mike Holmes [REDACTED]  
**Date:** February 28, 2023 at 9:04:12 PM PST  
**To:** [REDACTED], Maria Lauridsen  
[REDACTED]  
**Cc:** [REDACTED], Karen Ross <[karen@hiceec.org](mailto:karen@hiceec.org)>  
**Subject:** Landlords use of Property

Hi Karen

As mentioned I was listening in while driving down from Hornby. I was disappointed and surprised to hear the comments with respect to the impact of section 49 of the Residential Tenancy Act .

I have attached a screenshot of a pertinent part of the section.

In the recent amendments to the RTA all fixed term tenancies convert automatically to a month to month tenancy at the end of the term. There is only one practical way for most homeowners to obtain vacant possession and that is to provide notice of the Landlord's use of property under section 49.

However in order to do so one month's rent penalty must be provided and in addition the Landlord ( or defined close family member) must occupy the premises for 6 months. Otherwise a penalty equal to a year's rent can be imposed. This has essentially made it impossible legally for a homeowner to provide a seasonal rental. Thus one could say that one unintended consequence of these amendments is to completely dry up any supply of seasonal rentals on Hornby.

I would suggest the efforts of the concerned community would do well to lobby the government to adopt regulations to permit fixed term tenancies in certain tourist destinations.

I would suggest this would be a more fruitful and likely source of possible affordable long term rentals than the prohibition of short term rentals.

Mike

Michael Holmes B.A., LL.B

tenancy agreement.

(2) In addition to the amount payable under subsection (1), if

(a) steps have not been taken to accomplish the stated purpose for ending the tenancy under section 49 within a reasonable period after the effective date of the notice, or

(b) the rental unit is not used for that stated purpose for at least 6 months beginning within a reasonable period after the effective date of the notice,

the landlord, or the purchaser, as applicable under section 49, must pay the tenant an amount that is the equivalent of double the monthly rent payable under the tenancy agreement.

### **Form and content of notice to end tenancy**