

COVID-19 NOVEL CORONAVIRUS

Information for Landlords

The Manitoba government has made temporary amendments to *The Residential Tenancies Act* to address the social and economic impacts on landlords and tenants due to COVID-19. Rent increases are temporarily frozen from April 1 and later. Late fees are prohibited for failure to pay rent during this time.

Landlords are prohibited from issuing a notice of termination other than for impairment of safety or unlawful activities that pose an immediate health and safety risk. Non-urgent eviction hearings are also postponed effective March 24. These temporary changes will remain in effect until they are repealed by proclamation.

If I can't evict a tenant right now, does a tenant have to continue to pay rent?

A tenant is still obligated to pay their rent in full and on time. If a tenant fails to pay rent on the date specified on their tenancy agreement, a landlord cannot charge late fees regardless of whether the ability to charge late fees is included in the tenancy agreement. Landlords are also prohibited from issuing a notice of termination other than for impairment of safety or unlawful activities that pose an immediate health and safety risk. If a tenant has not paid their rent, a landlord may still initiate an application for an Order of Possession for non-payment of rent once the suspension is lifted. Hearings for Orders of Possession for non-payment of rent will be scheduled once the suspension is lifted.

What should I do if my tenant does not pay their rent due to COVID-19?

A tenant is required to pay their rent in full and on time. If a tenant affected by COVID-19 cannot pay their rent, the landlord may try to work with the tenant to see if payment arrangements can be made. A landlord should keep a record of the payment arrangement and track of payment received in the form of a rent ledger. If a tenant fails to pay rent on the date specified on their tenancy agreement, a landlord cannot charge late fees during this time regardless of whether the ability to charge late fees is included in the tenancy agreement.

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If I have given a notice of termination to a tenant to vacate the rental property on or after March 24, can they stay past that date?

Notices of termination issued to tenants on or after March 24 that are for any reason other than an immediate risk to health and safety (including engaging in illegal activity) are void. Landlords may wish to contact the Residential Tenancies Branch for further information.

If the rent increase is frozen does that mean I won't be able to issue a rent increase for the entire year?

A landlord is required to give a tenant three full months' notice of a rent increase in writing. In most cases a landlord is allowed to increase the rent once every 12 months. Although a landlord will not be able to collect the increase during the temporary freeze, the increase would still be considered valid and a notice of rent increase could still be provided to the tenant to ensure that the anniversary date of the rent increase on the rental unit is consistent. If a tenant receives a notice of rent increase effective April 1, 2020 or later, the tenant is not required to pay the increased amount during the freeze. Once the rent freeze has been lifted, the tenant will be required to pay the increased amount for monthly rental payments going forward.

I sent a notice of rent increase that took effect on February 1, 2020. Do tenants still need to pay the increase now that rent increases have been frozen?

Only rent increases scheduled to take effect on April 1 or later are frozen. If the rent increase took effect before April 1, tenants are required to pay the amount that they were given three months written notice.

Do I have to reimburse the excess amount of rent to the tenant who paid it as a result of a notice of rent increase with an effective date for rent increase being on or after April 1, 2020?

Yes, landlords are required to reimburse the excess amount of rent to the tenant who paid it based on the notice of rent increase given by their landlord with an effective date for rent increase being on or after April 1, 2020.

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Are there any financial relief measures available for landlords to deal with cash flow?

The federal government has announced a comprehensive COVID-19 economic response plan for businesses. For more information, visit: www.canada.ca/en/departement-finance/economic-response-plan.html.

The Manitoba government has also announced new measures in the Manitoba Protection Plan to provide extra support and relief to businesses. For more information, visit: www.manitoba.ca/covid19.

Landlords are also encouraged to regularly visit engagemb.ca for further developments.

Can I evict tenants for other reasons during the public emergency?

Yes, landlords can evict tenants for unlawful activities and for impairment of safety that poses an immediate risk to the health and safety of others in the residential tenancy complex.

Does this policy apply to commercial leases?

No. This policy applies to residential tenancies only.

When will non-urgent eviction hearings take place?

All non-urgent eviction hearings (such as non-payment of rent, disturbances, renovations and breach of tenancy agreements etc.) are temporarily suspended since March 24. All non-urgent eviction hearings will take place once the temporary suspension is lifted.

Who can I call on for assistance?

The Residential Tenancies Branch remains available over the phone, by email and by appointment for urgent matters. We are not taking in-person walk-in inquiries at this time.

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Can I still appeal an order issued by the Residential Tenancies Branch?

The Residential Tenancies Commission office continues to receive appeals and leave to appeal applications. If you have any questions regarding filing an appeal or leave to appeal application you can contact the Commission at 204-945-2028 or rtc@gov.mb.ca.

When will my appeal hearing be scheduled?

Non-urgent appeal hearings are not being scheduled at this time. This includes orders of possession for non-payment of rent. Appeal hearings to deal with urgent eviction orders involving immediate health and safety matters will proceed by teleconference or in person with social distancing measures in place. Parties are encouraged to participate by teleconference if possible. Urgent issues could include a landlord illegally shutting off utilities or locking tenants out of their rental unit, or a tenant conducting illegal activities from their rental unit.

Contact us:

Residential Tenancies Branch: <https://www.gov.mb.ca/cca/rtb/index.html>

Residential Tenancies Commission: <https://www.gov.mb.ca/cp/residtc/index.html>

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