

Manitoba Residential
Tenancies Commission

**Annual Report
2023-24**



Indigenous Land Acknowledgement

We recognize that Manitoba is on the Treaty Territories and ancestral lands of the Anishinaabe, Anishinewuk, Dakota Oyate, Denesuline and Nehethowuk peoples.

We acknowledge Manitoba is located on the Homeland of the Red River Métis.

We acknowledge northern Manitoba includes lands that were and are the ancestral lands of the Inuit.

We respect the spirit and intent of Treaties and Treaty Making and remain committed to working in partnership with First Nations, Inuit and Métis people in the spirit of truth, reconciliation and collaboration.

Reconnaissance du territoire

Nous reconnaissons que le Manitoba se trouve sur les territoires visés par un traité et sur les terres ancestrales des peuples anishinaabe, anishinewuk, dakota oyate, denesuline et nehethowuk.

Nous reconnaissons que le Manitoba se situe sur le territoire des Métis de la Rivière-Rouge.

Nous reconnaissons que le nord du Manitoba comprend des terres qui étaient et sont toujours les terres ancestrales des Inuits.

Nous respectons l'esprit et l'objectif des traités et de la conclusion de ces derniers. Nous restons déterminés à travailler en partenariat avec les Premières Nations, les Inuits et les Métis dans un esprit de vérité, de réconciliation et de collaboration.

Manitoba Residential Tenancies Commission

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Minister of Consumer Protection and Government Services

Legislative Building, Winnipeg, Manitoba R3C 0V8 CANADA

Her Honour the Honourable Anita R. Neville, P.C., O.M.
Lieutenant Governor of Manitoba
Room 235 Legislative Building
Winnipeg, MB R3C 0V8

May it Please Your Honour:

I have the privilege of presenting, for the information of Your Honour, the Annual Report of the Residential Tenancies Commission, for the fiscal year ending March 31, 2024.

Respectfully submitted,

“original signed by”

Honourable Lisa Naylor
Minister of Consumer Protection and Government Services





**Ministre de la Protection du consommateur
et des Services gouvernementaux**

Palais législatif, Winnipeg (Manitoba) R3C 0V8 CANADA

Son Honneur l'honorable Anita R. Neville, P.C., O.M.
Lieutenante-gouverneure du Manitoba
Palais législatif, bureau 235
Winnipeg (Manitoba) R3C 0V8

Madame la Lieutenante-Gouverneure,

J'ai le privilège de vous présenter, à titre informatif, le rapport annuel du Commission de la location à usage d'habitation pour l'exercice qui s'est terminé le 31 mars 2024.

Le tout respectueusement soumis,

"original signé par"

Lisa Naylor
Ministre de la Protection du consommateur
Et des Services gouvernementaux





Residential Tenancies Commission
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Honourable Lisa Naylor
Minister of Consumer Protection and Government Services
Room 203 Legislative Building
Winnipeg, MB R3C 0V8

Dear Minister:

Subsection 151(1) of The Residential Tenancies Act states that within six months after the end of each fiscal year, the Chief Commissioner shall submit an annual report to the Minister respecting the activities of the Residential Tenancies Commission and setting out the significant decisions of the Commission and the reasons for the decisions.

I am pleased to present for your approval the 2023/24 Annual Report of the Residential Tenancies Commission.

Respectfully submitted,

“original signed by”

Karin Linnebach
Chief Commissioner
Residential Tenancies Commission



Commission de la location à usage d'habitation
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Madame Lisa Naylor
Ministre de la Protection du consommateur et des Services gouvernementaux Palais
législatif, bureau 203
Winnipeg (Manitoba) R3C 0V8

Dear Minister:

Le paragraphe 151(1) de la Loi sur la location à usage d'habitation stipule que dans les six mois suivant la fin de chaque exercice, le commissaire en chef présente au ministre un rapport annuel concernant les activités de la Commission de la location à usage d'habitation et exposant les décisions importantes de la Commission et les motifs de ces décisions.

J'ai le plaisir de présenter à votre approbation le rapport annuel du Commission de la location à usage d'habitation pour l'exercice qui s'est terminé le 31 mars 2024.

Le tout respectueusement soumis

"original signé par"

Karin Linnebach
Commissaire en chef
Commission de la location à usage d'habitation

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INTRODUCTION

The Residential Tenancies Commission (the Commission) is a quasi-judicial, specialist tribunal that hears appeals from decisions and orders of the Director of the Residential Tenancies Branch (the Branch) under The Residential Tenancies Act (The RTA).

The Residential Tenancies Commission consists of:

- The Chief Commissioner - a full-time position; appointed for up to a five-year term, located in Winnipeg;
- Deputy Commissioners – one full-time Deputy Chief Commissioner and one 0.6 Deputy Chief Commissioner appointed for up to a four-year term and 11 part-time Deputy Chief Commissioners appointed for up to a four-year term, located in Winnipeg, Steinbach, Dauphin and St. Pierre-Jolys. The Deputy Commissioners may exercise the powers and perform the duties of the Chief Commissioner.
- Panel members – 18 part-time panel members appointed for up to a two-year term located in Winnipeg, Carman, St. Anne, Shoal Lake, La Broquerie, Thompson and Brandon – approximately half representing the views of the landlords, the others the views of the tenants.

The Commission may conduct hearings orally, in person or by telephone, in writing or partly orally and partly in writing. Some appeals are heard only by the Chief Commissioner, or a Deputy Chief Commissioner and some appeals are heard by a panel of three consisting of one landlord and one tenant representative and either the Chief Commissioner or a Deputy Chief Commissioner as the neutral Chairperson. If there is not a majority decision, the decision of the neutral Chairperson is the decision of the Commission.

Effective June 3, 2019, all Commission decisions are final and binding. However, the Chief Commissioner may correct or amend a decision or order of the Commission in limited circumstances as set out in sections 171.01 and 160.1(1) of The RTA. The RTA requires the Chief Commissioner to submit a report on the administration of The RTA to the Minister within six months after the end of each fiscal year. The reporting period for this report is the fiscal year ending March 31, 2024. Figures for the fiscal year ending March 31, 2023, have also been provided for purposes of comparison. The statistics are broken down by activity (e.g., security deposits, repairs, utilities).

INTRODUCTION

La Commission de la location à usage d'habitation (la Commission) est un tribunal quasi-judiciaire spécialisé chargé d'entendre les appels des décisions et des ordonnances que rend le directeur de la Direction de la location à usage d'habitation en vertu de la *Loi sur la location à usage d'habitation* (The RTA).

La Commission de la location à usage d'habitation se compose :

- Le commissaire en chef – un poste à temps plein; nommé pour un mandat d'au plus cinq ans; situé à Winnipeg.
- Des commissaires adjoints – un commissaire en chef adjoint à temps plein, un 0.6 poste à temps plein, occupé pour une période de quatre ans maximum et 11 postes à temps partiel, occupés pour une période de quatre ans maximum; basés à Winnipeg, à Steinbach, à Dauphin et à St. Pierre-Jolys. Les commissaires adjoints peuvent exercer les pouvoirs et les fonctions du commissaire en chef;
- Des membres des comités – 18 membres à temps partiel nommés pour un mandat pouvant aller jusqu'à deux ans et situés à Winnipeg, Carman St. Anne, Shoal Lake, La Broquerie, Thompson et Brandon – environ la moitié représentant les points de vue des propriétaires, les autres, les points de vue des locataires.

La Commission peut tenir des auditions oralement, en personne ou par téléphone, par écrit ou en partie oralement et en partie par écrit. Certains appels sont entendus uniquement par le commissaire en chef ou un commissaire en chef adjoint et certains appels sont entendus par un comité de trois composé d'un propriétaire et d'un représentant des locataires et soit le commissaire en chef ou un commissaire en chef adjoint en tant que président neutre. S'il n'y a pas de décision majoritaire, la décision du Président neutre est la décision de la Commission.

À compter du 3 juin 2019, toutes les décisions de la Commission sont définitives et exécutoires. Cependant, le commissaire en chef peut corriger ou modifier une décision ou une ordonnance de la Commission dans circonstances limitées, telles qu'énoncées aux articles 171.01 et 160.1(1) de la Loi sur la location à usage d'habitation.

La *Loi sur la location à usage d'habitation* exige du commissaire en chef qu'il soumette au ministre un rapport sur l'administration de la *Loi* six mois après la fin de chaque exercice. La période visée par le présent rapport est l'exercice se terminant le 31 mars 2024. Des chiffres correspondant à l'exercice se terminant le 31 mars 2023 sont également fournis à des fins de comparaison. Les statistiques sont fractionnées par activité (p. ex., dépôts de garantie, réparations, services publics).

APPEAL ACTIVITY SUMMARY

PARTS 1 – 8 OF THE RESIDENTIAL TENANCIES ACT

Parts 1 – 8 of The RTA deal with all residential landlord and tenant matters, except for rent regulation. Table 1 provides a statistical summary of the activities of the Commission under Parts 1 – 8 of The RTA. Between April 1, 2023 and March 31, 2024, the Commission received 494 appeals under Parts 1 – 8 of The RTA. The Commission received 408 appeals of orders resulting from Branch hearings and 49 appeals of claims for security deposit or less. The remaining 37 appeals were related to orders to repair, abandonment, utilities, distraint/lockout and administrative penalties.

The Commission processed 442 cases from April 1, 2023 to March 31, 2024. The Commission confirmed or upheld the Branch's decisions in 162 instances. The Commission varied 177 of the Branch's decisions. These variations sometimes occurred because the Commission received information from the parties at the appeal hearing that the Branch did not have before issuing its decision. The Commission rescinded 54 decisions of the Branch. Another 49 appeals were either rejected by the Commission, withdrawn or cancelled by the appellant. Most rejections are caused by late appeals or appeals without a filing fee. Withdrawals are usually due to either: (1) the affected parties being able to reach a settlement; or (2) the appellant changing their mind and no longer wishing to continue with the appeal. There were no appeals pending as of March 31, 2024. There were 59 motions to extend time to appeal denied.

A person who did not attend or otherwise participate in the hearing before the director cannot appeal an order granting an order of possession to a landlord for the termination of the tenancy for non-payment of rent or a tenant services charge, unless the Commission, on application, grants the person leave to appeal. The Commission received 84 applications for leave to appeal, 28 were granted leave and 56 were denied. The Commission received 17 requests to correct or amend an order. Two orders were amended, and the remaining 15 orders were upheld.

SOMMAIRES DES ACTIVITÉS RELATIVES AUX APPELS

PARTIES 1 À 8 DE LA LOI SUR LA LOCATION À USAGE D'HABITATION

Les parties 1 à 8 de la *Loi sur la location à usage d'habitation* statuent sur l'ensemble des questions afférentes au locateur et au locataire d'habitation, exception faite du contrôle du loyer. Le tableau n° 1 présente un résumé statistique des activités exercées par la Commission de la location à usage d'habitation en vertu des parties 1 à 8 de la *Loi*. Entre le 1^{er} avril 2023 et le 31 mars 2024, la Commission a reçu 494 appels relativement aux parties 1 à 8 de la *Loi sur la location à usage d'habitation*. La Commission a reçu 408 appels d'ordres provenant d'audiences de la Direction et 49 appels de réclamations du dépôt de garantie ou moins. Les 37 réalisés aux ordres de réparation, abandon, services publics, saisie/lock-out et sanctions administratives.

Entre le 1^{er} avril 2023 et le 31 mars 2024, la Commission a traité 442 causes. Dans 162 cas, la Commission a confirmé ou soutenu les décisions de la Direction de la location à usage d'habitation. La Commission a aussi modifié 177 décisions de la Direction. Parfois, ces modifications ont été dues au fait que la Commission a reçu au cours de l'audience d'appel des renseignements des parties que la Direction n'avait pas avant de rendre sa décision. La Commission a également annulé 54 décisions de la Direction, et 49 autres appels ont aussi été rejetés par la Commission, ou retirés ou annulés par l'appelant. La plupart des rejets sont causés par des appels en retard ou sans frais d'administration. Les raisons des retraits tiennent généralement du fait que : (1) les parties concernées ont pu arriver à une entente; ou (2) l'appelant a changé d'avis et ne souhaite pas poursuivre le processus d'appel. Il y avait deux appel en instance au 31 mars 2024. La Commission a aussi rejeté 59 motions en prorogation du délai d'appel.

Toute personne qui ne s'est pas présentée à l'audience devant le directeur ou qui n'a pas participé à celle-ci ne peut pas interjeter appel d'un ordre autorisant un ordre de reprise de possession à un locateur relativement à la résiliation d'une location pour non-paiement de loyer ou des frais de services aux locataires, à moins que la Commission, au moment de la demande, accorde à cette personne l'autorisation d'appel. La Commission a reçu 84 demandes d'autorisation d'appel : elle en a accordé 28 et rejeté 56. La Commission a reçu 17 demandes ou de correction ou de modification d'une ordonnance. Deux commandes ont été modifiée et les 15 ordonnances restantes ont été confirmées.

TABLE 1 – APPEALS

**STATISTICAL SUMMARY FOR MANITOBA
PARTS 1 – 8 OF THE RESIDENTIAL TENANCIES ACT**

	April 1, 2022 – March 31, 2023 (Cases)	April 1, 2023 – March 31, 2024 (Cases)
<u>ADMINISTRATIVE PENALTIES</u>		
Carried forward from previous year	0	0
Appeals Received	0	0
TOTAL	0	0
Decisions Confirmed	0	0
Decisions Varied	0	0
TOTAL APPEALS CLOSED	0	0
ACTIVE	0	0
<u>CLAIM FOR SECURITY DEPOSIT OR LESS</u>		
Carried forward from previous year	25	40
Appeals Received	55	49
TOTAL	80	89
Decisions Confirmed	15	18
Decisions Varied	13	20
Decisions Rescinded	4	8
Appeals Withdrawn/Rejected	8	1
Cancelled	0	0
Appeals Pending	0	0
TOTAL APPEALS CLOSED	40	47
ACTIVE	40	42
<u>DISPUTES</u>		
Carried forward from previous year	0	0
Appeals Received	0	0
TOTAL	0	0
Decisions Varied	0	0
Decisions Rescinded	0	0
Appeals Withdrawn/Rejected	0	0
Cancelled	0	0
TOTAL APPEALS CLOSED	0	0
ACTIVE	0	0

TABLE 1 – APPEALS

**STATISTICAL SUMMARY FOR MANITOBA
PARTS 1 – 8 OF THE RESIDENTIAL TENANCIES ACT**

	April 1, 2022 – March 31, 2023 (Cases)	April 1, 2023 – March 31, 2024 (Cases)
<u>DISTRAINT AND LOCKOUT</u>		
Carried forward from previous year	0	0
Appeals Received	2	1
TOTAL	2	1
Decisions Confirmed	0	0
Decisions Varied	0	0
Decisions Withdrawn	2	0
Decisions Rescinded	0	0
TOTAL APPEALS CLOSED	2	0
ACTIVE	0	1
<u>ENFORCEMENT</u>		
Carried forward from previous year	2	0
Appeals Received	2	2
TOTAL	4	2
Decisions Varied	0	1
Decisions Withdrawn/Settled	4	0
TOTAL APPEALS CLOSED	4	1
ACTIVE	0	1
<u>ORDER OF POSSESSION AND CLAIM HEARINGS</u>		
Carried forward from previous year	130	216
Appeals Received	385	406
TOTAL	515	622
Decisions Confirmed	148	127
Decisions Varied	110	143
Decisions Rescinded	23	45
Appeals Withdrawn/Rejected	16	32
Cancelled	2	8
Appeals Pending	0	0
TOTAL APPEALS CLOSED	299	355
ACTIVE	216	267

TABLE 1 – APPEALS

**STATISTICAL SUMMARY FOR MANITOBA
PARTS 1 – 8 OF THE RESIDENTIAL TENANCIES ACT**

	April 1, 2022 – March 31, 2023 (Cases)	April 1, 2023 – March 31, 2023 (Cases)
<u>REPAIRS</u>		
Carried forward from previous year	3	9
Appeals Received	31	28
TOTAL	34	37
Decisions Confirmed	12	10
Decisions Varied	3	13
Decisions Rescinded	1	1
Cancelled	2	0
Appeals Withdrawn/Rejected	7	7
Appeals Pending	0	0
TOTAL APPEALS CLOSED	25	31
ACTIVE	9	6
<u>UTILITIES</u>		
Carried forward from previous year	0	0
Appeals Received	1	7
TOTAL	1	7
Decisions Confirmed	1	7
Decisions Varied	0	0
Decisions Rescinded	0	0
Appeals Withdrawn/Rejected	0	0
Cancelled	0	0
TOTAL APPEALS CLOSED	1	7
ACTIVE	0	0
<u>ABANDONMENT</u>		
Carried forward from previous year	0	0
Appeals Received	1	1
TOTAL	1	1
Decisions Varied	1	0
Cancelled	0	1
TOTAL APPEALS CLOSED	1	1
ACTIVE	0	0

TABLE 1 – APPEALS

**STATISTICAL SUMMARY FOR MANITOBA
PARTS 1 – 8 OF THE RESIDENTIAL TENANCIES ACT**

	April 1, 2022 – March 31, 2023 (Cases)	April 1, 2023 – March 31, 2024 (Cases)
<u>TOTAL APPEALS</u>		
Carried forward from previous year	159	265
Appeals Received	478	494
TOTAL	637	759
Decisions Confirmed	176	162
Decisions Varied	127	177
Decisions Rescinded	28	54
Appeals Withdrawn/Rejected	37	40
Cancelled	4	9
Appeals Pending	0	0
TOTAL APPEALS CLOSED	372	442
ACTIVE	265	317

	April 1, 2022 – March 31, 2023 (Cases)	April 1, 2023 – March 31, 2024 (Cases)
<u>LEAVE TO APPEAL APPLICATIONS TO THE RESIDENTIAL TENANCIES COMMISSION</u>		
Carried forward from previous year	0	0
Applications Received	77	84
TOTAL	77	84
Leave to Appeal Granted	31	28
Leave to Appeal Denied	46	56
TOTAL APPEALS CLOSED	77	84
ACTIVE	0	0

APPEAL ACTIVITY SUMMARY

PART 9 OF THE RESIDENTIAL TENANCIES ACT

The Commission received appeals for 90 buildings affecting 1204 rental units on orders the Branch issued under Part 9 of The RTA between April 1, 2023 and March 31, 2024.

The Commission processed appeals on orders for 66 buildings affecting 757 rental units in the fiscal year ending March 31, 2024. The Commission upheld orders on 300 units in 34 buildings and varied orders on 90 units in 9 buildings. These variations sometimes occurred because the Commission received information at the appeal hearing that the Branch did not have before issuing its decision. Appeals in 23 other buildings affecting 367 units were either rejected by the Commission or withdrawn or cancelled by the appellant.

SOMMAIRES DES ACTIVITÉS RELATIVES AUX APPELS

PARTIE 9 DE LA LOI SUR LA LOCATION À USAGE D'HABITATION

La Commission a reçu des appels pour 90 immeubles comptant 1204 unités locatives relativement à des ordres rendus par la Direction de la location à usage d'habitation en vertu de la partie 9 de la Loi sur la location à usage d'habitation entre le 1^{er} avril 2023 et le 31 mars 2024.

La Commission a traité des appels d'ordres pour 66 immeubles comptant 757 unités locatives pendant l'exercice se terminant le 31 mars 2024. La Commission a confirmé les ordres concernant 300 unités dans 34 immeubles et a modifié les ordres concernant 90 unités dans 9 immeubles. Parfois, ces modifications ont été dues au fait que la Commission a reçu au cours de l'audience d'appel des renseignements que la Direction n'avait pas avant de rendre sa décision. Des appels concernant 23 autres immeubles comptant 367 unités ont été rejetés par la Commission, ou retirés ou annulés par l'appelant.

TABLE 2 – APPEALS

**STATISTICAL SUMMARY FOR MANITOBA
PART 9 OF THE RESIDENTIAL TENANCIES ACT**

	April 1, 2022 – March 31, 2023		April 1, 2023 – March 31, 2024	
	Bldgs.	Units	Bldgs	Unit s
APPLICATION - LAUNDRY INCREASE				
Carried forward from previous year	0	0	0	0
Appeals Received	0	0	0	0
TOTAL	0	0	0	0
Decisions Varied	0	0	0	0
Appeals Withdrawn/Rejected	0	0	0	0
TOTAL APPEALS CLOSED	0	0	0	0
ACTIVE	0	0	0	0
APPLICATION – REHABILITATION				
Carried forward from previous year	5	19	4	18
Appeals Received	5	5	4	5
TOTAL	10	24	8	23
Decisions Confirmed	0	0	0	0
Decisions Varied	4	4	0	0
Decisions Canceled	0	0	1	1
Appeals Withdrawn/Rejected	2	2	2	3
TOTAL APPEALS CLOSED	6	6	3	4
ACTIVE	4	18	5	19
LIFE LEASE				
Carried forward from previous year	0	0	1	1
Appeals Received	1	1	0	0
TOTAL	1	1	1	1
Decisions Confirmed	0	0	0	0
Appeals Withdrawn/Rejected	0	0	1	1
TOTAL APPEALS CLOSED	0	0	1	1
ACTIVE	1	1	0	0

TABLE 2 – APPEALS

**STATISTICAL SUMMARY FOR MANITOBA
PART 9 OF THE RESIDENTIAL TENANCIES ACT**

	April 1, 2022 – March 31, 2023		April 1, 2023 – March 31, 2024	
	Bldgs.	Units	Bldgs.	Units
APPLICATION - WITHDRAWAL OF SERVICE				
Carried forward from previous year	2	2	1	2
Appeals Received	1	2	0	0
TOTAL	3	4	1	2
Decisions Confirmed	1	1	0	0
Decisions Varied	1	1	0	0
Appeals Withdrawn/Rejected	0	0	0	0
Appeals Cancelled	0	0	1	2
TOTAL APPEALS CLOSED	2	2	1	2
ACTIVE	1	2	0	0
COMPLIANCE				
Carried forward from previous year	6	34	12	78
Appeals Received	13	79	13	17
TOTAL	19	113	25	95
Decisions Confirmed	1	21	5	12
Decisions Varied	4	7	6	59
Appeals Withdrawn/Rejected	2	7	2	2
Appeals Cancelled	0	0	0	0
TOTAL APPEALS CLOSED	7	35	13	73
ACTIVE	12	78	12	22

TABLE 2 - APPEALS

**STATISTICAL SUMMARY FOR MANITOBA
PART 9 OF THE RESIDENTIAL TENANCIES ACT**

	April 1, 2022 – March 31, 2023		April 1, 2023 – March 31, 2024	
	Bldgs.	Units	Bldgs.	Units
APPLICATION – RENT INCREASE ABOVE GUIDELINE				
Carried forward from previous year	33	154	35	455
Appeals Received	50	627	73	1182
TOTAL	83	781	108	1637
Decisions Confirmed	20	33	29	288
Decisions Varied	14	273	3	31
Appeals Withdrawn/Rejected	11	10	14	17
Appeals Cancelled	3	10	2	341
TOTAL APPEALS CLOSED	48	326	48	677
ACTIVE	35	455	60	960

TABLE 2 - APPEALS

**STATISTICAL SUMMARY FOR MANITOBA
PART 9 OF THE RESIDENTIAL TENANCIES ACT**

	April 1, 2022 – March 31, 2023		April 1, 2023 – March 31, 2024	
	Bldgs.	Units	Bldgs.	Units
TOTAL APPEALS				
Carried forward from previous year	46	209	53	554
Appeals Received	70	714	90	1204
TOTAL	116	923	143	1758
Decisions Confirmed	22	55	34	300
Decisions Varied	23	285	9	90
Appeals Withdrawn/Rejected	15	19	19	23
Appeals Cancelled	3	10	4	344
TOTAL APPEALS CLOSED	63	369	66	757
ACTIVE	53	554	77	1001

TABLE 3

MOTION FOR EXTENSION OF TIME TO APPEAL

	April 1, 2022 – March 31, 2023 (Cases)	April 1, 2023 – March 31, 2024 (Cases)
<u>MOTIONS FOR EXTENSION OF TIME TO APPEAL</u>		
Carried forward from previous year	0	0
Applications Received	87	97
TOTAL	87	97
Decisions Denied	59	59
Decisions Granted	28	38
TOTAL	87	97
ACTIVE	0	0

TABLE 4

REQUEST TO CORRECT OR AMEND AN ORDER

	April 1, 2022 – March 31, 2023 (Cases)	April 1, 2023 – March 31, 2024 (Cases)
<u>REQUEST TO CORRECT OR AMEND AN ORDER</u>		
Carried forward from previous year	0	0
Applications Received	25	17
TOTAL	25	17
Decisions Denied	24	15
Decisions Granted	1	2
TOTAL	25	17
ACTIVE	0	0

SIGNIFICANT DECISIONS

SIGNIFICANT DECISIONS

The following are summaries of significant decisions of the Commission and the reasons for the decisions that were issued in the 2023-24 fiscal year.

1. Order of Possession (OP) Granted – Tenant failed to return signed tenancy agreement on time

The landlord filed an application for an OP based on overholding because the tenant failed to renew the tenancy agreement by the deadline.

A landlord is required to give a tenant a renewal agreement three months prior to the end of a term of a tenancy (s. 21(1) of The RTA. Along with the renewal agreement, the landlord must tell the tenant in writing that failing to send the signed renewal back at least two months prior to the end of the term of the tenancy will result in a termination (s. 21(3)). If the tenant does not send back a signed renewal agreement at least two months prior to the end of the term, the tenancy will be terminated, unless the parties otherwise agree (ss. 21(2), and 21(4)). If the tenancy is terminated and the tenant does not move out, the landlord can apply for an OP (s. 154(1)).

The parties entered into a tenancy agreement for a one-year term ending October 31. On July 25, the landlord gave the tenant a renewal agreement along with a letter that said that he must return the signed agreement to the landlord by August 31, failing which the tenancy would be terminated. The tenant did not return the signed agreement to the landlord until October 20. The landlord did not agree to renew the tenancy. The tenant stopped paying rent after the landlord did not agree to renew the tenancy.

The tenant argued that the landlord ought to have a reasonable explanation for not wanting to renew the tenancy, even though the renewal was returned late. The panel found that the landlord is entitled to an OP because the tenant did not return the signed renewal agreement to the landlord at least two months before the end of the term. The panel found the landlord did not need to explain why they do not want to renew the tenancy in these circumstances.

2. OP Not Granted – Landlord cannot ask tenant to pay pet damage deposit or get rid of pet if permission to have a pet already granted

The landlord gave the tenant a written notice to pay a pet damage deposit or remove their pet. The tenant did not pay the pet damage deposit or remove the pet, so the landlord gave the tenant a notice of termination and filed an application for an OP.

The landlord did not ask the tenant for a pet damage deposit at the beginning of the tenancy. The landlord said she asked for a pet damage deposit when she learned the tenant had a dog. The tenant said he never paid the pet damage deposit because the landlord knew all along that he had a dog, and the landlord could not ask for a pet damage deposit in the middle of the tenancy. The pet in question is a Bullmastiff. A picture of the dog was filed with the Commission. The dog is very large.

The panel did not accept the landlord's evidence that she had no knowledge that the tenant had a dog until later in the tenancy. The panel found this evidence inconsistent with the previous relationship between the landlord and tenant, the relationship between their children, and the landlord's earlier visit to the property. The panel also found the landlord's evidence inconsistent with the nature of the text messages the landlord sent to the tenant the day after she first raised the issue of the pet damage deposit with the tenant. The panel found that the landlord knew the tenant had a dog at the beginning of the tenancy.

The panel considered whether a tenancy agreement can be silent about pets, and a landlord can acquiesce to a pet being brought into the rental unit, and then ask for a pet damage deposit at some point later during the tenancy. The panel concluded this is not something a landlord can do. Tenancy agreements can be made orally or in writing and can be explicit or implicit. A landlord must ask for a pet damage deposit at the time a tenancy agreement is entered into. A landlord who knows a tenant has a pet, and is silent about a pet damage deposit, has implicitly agreed that the tenant can have a pet without having to pay a pet damage deposit. This is different than if a landlord does not know that the tenant has a pet or when a tenant brings a pet into the rental unit at some point during the tenancy. In those situations, the landlord can ask for a pet damage deposit upon discovery of the pet in the unit.

Because the landlord knew about the pet and never asked for a pet damage deposit until later in the tenancy, the landlord was not entitled to issue the notice of termination to the tenant and was not entitled to an OP.

3. Landlord Claim – An assignment of the tenancy does not transfer liability to new tenants from previous tenants

The landlord's representative said that the tenancy began in 2014. A tenancy agreement was signed at the beginning of the tenancy and renewed from time to time. The landlord's application was filed against three tenants, none of whom were tenants listed in the original tenancy agreement signed in 2014. The landlord representative said that there were several "remove and add to leases" that took place during the tenancy. The three tenants listed in the landlord's application all moved in at different times. Two of them paid a \$75 fee when they moved in.

There are provisions in The RTA that allow a tenancy agreement to be assigned or sublet to new tenants. The landlord's representative argued that this was not an assignment or a sublet but rather a "remove and add to lease". The landlord's representative argued that a "remove and add to lease" was different because in an assignment, the original tenancy agreement ceases to exist and a new one is entered into, but with a "remove and add to lease" the tenancy agreement continues to exist without interruption. The landlord's representative further argued that because this was a "remove and add to lease", the tenants are responsible for damage to the rental unit that occurred from the time the tenancy agreement began in 2014, even if the damage took place before they became tenants.

The Commission found that a "remove and add to lease" is the landlord's internal process that does not exist under The RTA. Under The RTA, if the right to occupy a rental unit is transferred to new tenants, this can either be accomplished by an assignment or a sublet. Neither a sublet nor an assignment result in the existing tenancy agreement being cancelled and new one being entered into. In both an assignment or a sublet, the new tenant takes over the rights and obligations of the previous tenant or tenants under the existing tenancy agreement. If the new tenant is only taking over part of the remaining term of the tenancy it is a sublet, and if the new tenant is taking over all the remaining term of the tenancy, it is an assignment (s. 42(1)). Landlords are entitled to collect a \$75 fee for an assignment or a sublet (s. 18 of the Regulation).

A tenant's assumption of rights and obligations pursuant to an assignment or a sublet are subject to some exceptions, notably, the new tenant is not responsible for the prior tenant's breaches of The RTA (ss. 48 and 49). This includes that new tenants are not responsible for any damage caused to the rental unit before the assignment or sublet.

There was no suggestion that any of the former tenants expected to return to the rental unit, so the Commission found the tenancy was assigned to the tenants as they moved into the rental unit. The landlord took a \$75 fee which is specifically allowed for assignments or sublets (s. 18 of the Regulation). If the scenario was not an assignment or a sublet, the landlord would not have been entitled to charge that fee (s. 14(1)). The landlord cannot avoid the exemptions from liability provided for under The RTA by calling something that is an assignment by a different name.

Since these were assignments, this means the tenants were only responsible for damage starting from the date they moved into the rental unit.

4. Rent Regulation – An above guideline rent increase cannot be made retroactively and the Commission cannot grant increases above the guideline

The landlord charged more rent than what was permitted under The RTA. The landlord's representative acknowledged that they did not follow The RTA and failed to file any applications with the Branch for above guideline rent increases. The landlord explained that the properties are self-managed, and they were unaware of the rules. They argued they were a good landlord and that they maintained the units. They said they charged rent consistent with rent in the marketplace. They submitted that only allowing a guideline increase and requiring the landlord to compensate the tenants for overcharging rent would be devastating for the landlord. They asked for leniency and to be allowed to charge rent above the guideline amount, even though they had not applied at the relevant times for above guideline rent increases.

The panel could not make the order the landlord was asking for because an above guideline rent increase application cannot be made retroactively. Further, The RTA is clear about what discretion the panel has when a landlord has increased the rent by more than the guideline amount. The panel can allow an increase by no more than the guideline amount, and only if they are satisfied that the tenants have otherwise been given proper notice of a rent increase, and that there would be no resulting unfairness to the tenants (s. 140.0.1(1)).

The panel found that there was no evidence of unfairness to any tenant if the panel granted guideline increases every year corresponding with the annual increases the landlord issued to the tenants. The panel therefore granted guideline increases and set the rent. Calculation of overpayments was left to the parties due to lack of evidence. Tenants who were unable to resolve the amount of reimbursement owing with the landlord could apply to the Branch for an order setting the amount.

The Public Interest Disclosure (Whistleblower Protection) Act

The Public Interest Disclosure (Whistleblower Protection) Act (PIDA) came into effect in April 2007. PIDA gives employees a clear process for disclosing concerns about significant and serious matters (wrongdoing) in the Manitoba public service and strengthens protection from reprisal. PIDA builds on protections already in place under other statutes, as well as collective bargaining rights, policies, practices and processes in the Manitoba public service.

Wrongdoing under PIDA may be: contravention of federal or provincial legislation; an act or omission that endangers public safety, public health or the environment; gross mismanagement; or, knowingly directing or counseling a person to commit a wrongdoing. PIDA is not intended to deal with routine operational or administrative matters.

A disclosure made by an employee in good faith, in accordance with the PIDA, and with a reasonable belief that wrongdoing has been or is about to be committed is considered to be a disclosure under PIDA, whether or not the subject matter constitutes wrongdoing.

All disclosures receive careful and thorough review to determine if action is required under PIDA, and must be reported in a department's annual report in accordance with section 18 of PIDA. The Commission has received an exemption from the Ombudsman under section 7 of PIDA. As a result any disclosures received by the Chief Commissioner or a supervisor are referred to the Ombudsman in accordance with the exemption.

The following is a summary of disclosures received by the Commission for April 1, 2023 to March 31, 2024:

Information Required Annually (per Section 18 of the PIDA)	April 1, 2023 to March 31, 2024
The number of disclosures received, and the number acted on and not acted on. Subsection 18(2)(a)	NIL