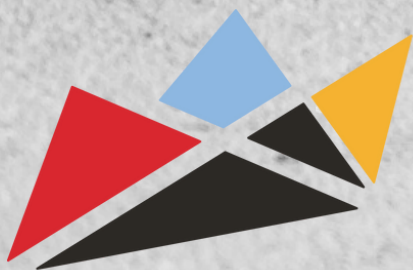


BC's Eviction Crisis: Evidence, Impacts and Solutions for Justice



**FIRST
UNITED**

Eviction Crisis: Evidence, Impacts and Solutions for Justice in BC

November 2023

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Introduction and Project Goals

In June 2022, FIRST UNITED launched the British Columbia Eviction Mapping project, a first of its kind project in BC, which seeks to better understand evictions from rental housing across the province. The project is led by Dr. Sarah Marsden, Director of Systems Change and Legal at FIRST UNITED. This project serves to inform and provide evidence for the basis of a law reform platform to make tenant protections stronger in BC.

The goals of the project are to learn about and document:

- the impacts of eviction, including impacts on marginalized groups;
- who is getting evicted;
- where people are getting evicted from; and
- the ways people are getting evicted.

In this report, we highlight four main themes:

1. Impacts of Eviction Across Income Levels and Across British Columbia
2. Profile of Eviction for Indigenous Tenants – Mechanisms and Impacts
3. “Landlord’s Use” Evictions Remain Extremely Prevalent
4. Barriers to Using the Residential Tenancy Branch

We are also providing a summary of our law reform recommendations in this report.

This project is ongoing and we will continue to report on our findings. This report is based on responses to the British Columbia Eviction Survey. At the time of writing, the survey had received 698 valid responses. An initial Interim Findings report was released in May 2023 and can be viewed here: <https://firstunited.ca/how-we-help/bc-eviction-mapping/>.

These responses include evictions from across British Columbia in both urban and rural areas, with strong representation of metro Vancouver, and from a variety of family situations and income levels. The survey responses include strong representation from tenants who identified as Indigenous, people with disabilities, and are diverse in gender representation. A demographic breakdown of respondents is included in Appendix A, and a copy of the survey questions is included in Appendix B. Wherever possible, numbers of responses are included using “N” to indicate the total number.

About FIRST UNITED

FIRST UNITED envisions a neighbourhood where the worth of every person is celebrated and all people thrive. Its responsive low-barrier programs serve low-income, underhoused and

homeless individuals in Vancouver's Downtown Eastside and have for nearly 140 years. As a registered charity, it provides essential services including meals, legal advocacy, tax filing, spiritual care, mail and phone services, overdose response, essential items like clothing and toiletries, and shelter to residents in the community. FIRST UNITED also engages in systems change work to reduce homelessness, break the cycle of poverty, and address the racialization of poverty.

Land Acknowledgement

This report was prepared on stolen lands, on the unceded territories of the Xʷməθkwəy'əm (Musqueam), Skwxwú7mesh (Squamish), & Səl'ílwətaɣ̓ (Tsleil-Waututh) peoples.

Those who participated in the BC Eviction Survey live across what we call British Columbia, on lands that have been stewarded by Indigenous people for thousands of years. We are grateful for being entrusted by participants to carry out this work as settlers and guests and are humbled to hold and share participants' stories, including those who are Indigenous. This report aims to put reconciliation into action by shedding light on those stories and realities, to illustrate impacts of colonialism in existing laws and policies, and to reduce homelessness for all. Our findings, contained within this report, advance reconciliation in action by generating key law reform recommendations, with intentional focus on improving conditions for Indigenous people.

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Special Thanks To

Amanda Burrows
Canadian Centre for Housing Rights
Avery Delaney
Gwen Hamilton
Ben Schager
Will Vibert
The Eviction Map Volunteer Team
The 698 participants who shared their stories

Layout

Katie Koncan

Support for this Project

This project is carried out with support from the City of Vancouver, the Government of Canada, Seedlings Foundation, the Charles Johnson Charitable Fund, and many FIRST UNITED donors.

View the Interactive Eviction Map & Interim Report

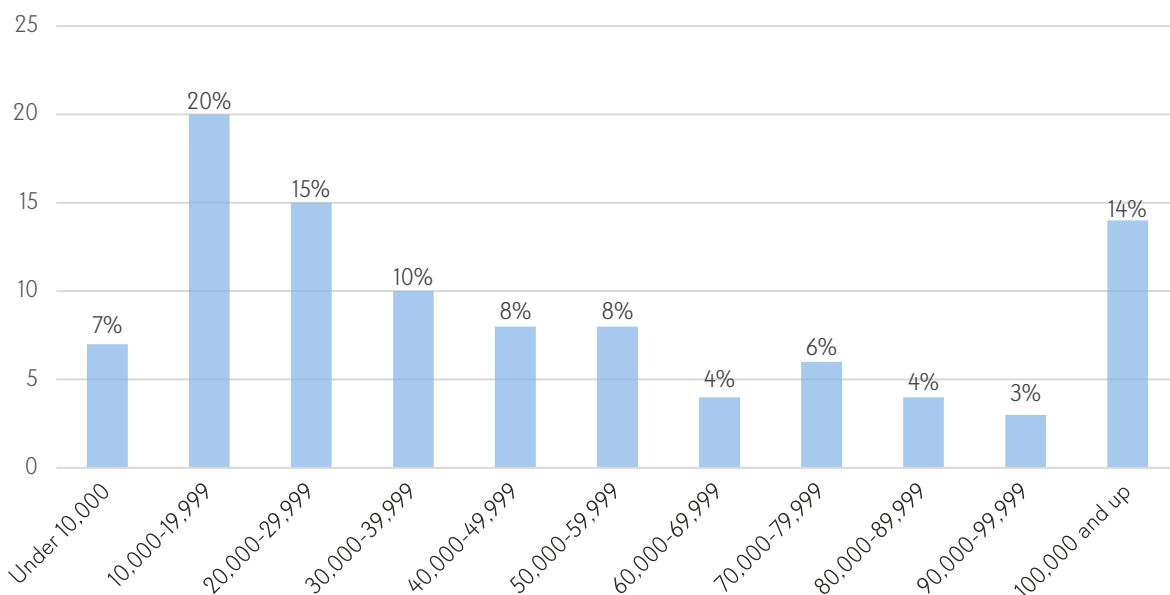
<https://firstunited.ca/how-we-help/bc-eviction-mapping/>

1. Eviction is Widespread Across Income Levels and Across British Columbia

Eviction is a risk for people across the income spectrum in British Columbia. When we designed this study, we asked respondents for their household income and used \$100,000+ as the highest specified category because we did not expect to see evictions for households above this income. 13.5% of respondents (evicted households) reported a household income of \$100,000 or more (N=95).

We found that having a higher income reduces the risk but does not provide complete protection from the harshest impacts of eviction. In the present housing crisis, we have documented homelessness, displacement, and extreme rent increases following eviction for tenants in all of the income brackets used, from those making under \$10,000 per year to those making over \$100,000 per year.

Fig. 1 Evictions by Household Income (as % of total evictions)



Eviction poses a threat to tenants across income levels

Eviction in British Columbia is not limited to people in lower income brackets. As shown in Figure 1, there were higher numbers of reported evictions from households earning less than \$50,000 per year, but households earning more were not immune to eviction. It is clear from the data that eviction poses a risk not only to the lowest-income families and people who rely on social assistance, but to middle-income and working families across the income spectrum too.

Evidence of evictions across income levels, with numerous evictions in the \$100,000 plus range, is consistent with the finding that nonpayment of rent is not the main reason for reported

eviction. Only a small minority of evictions include nonpayment of rent as a reason (N=49, or 9.5% of formal evictions include nonpayment of rent, see Figure 10 in the section entitled “Landlord’s Use Evictions Remain Extremely Prevalent”), whereas a majority of evictions included “landlord’s use” as a reason (N=318, or 62.2% of formal evictions included “landlord’s use”).

In other words, because eviction is happening in BC primarily due to no-fault evictions such as “landlord’s use” and not nonpayment of rent, it makes sense that having a higher income would not prevent eviction. If a landlord decides to issue a “landlord’s use” eviction notice, whether in good faith or otherwise, the tenant’s income is irrelevant.

Evictions, and especially “landlord’s use” evictions, pose a risk to the housing security of renters across income levels in British Columbia. While they are more likely to occur in individually owned units (such as a single condo, a floor of a house, or a laneway house) rather than purpose-built rental buildings, they do occur in the latter category as well.¹

Homelessness across income levels

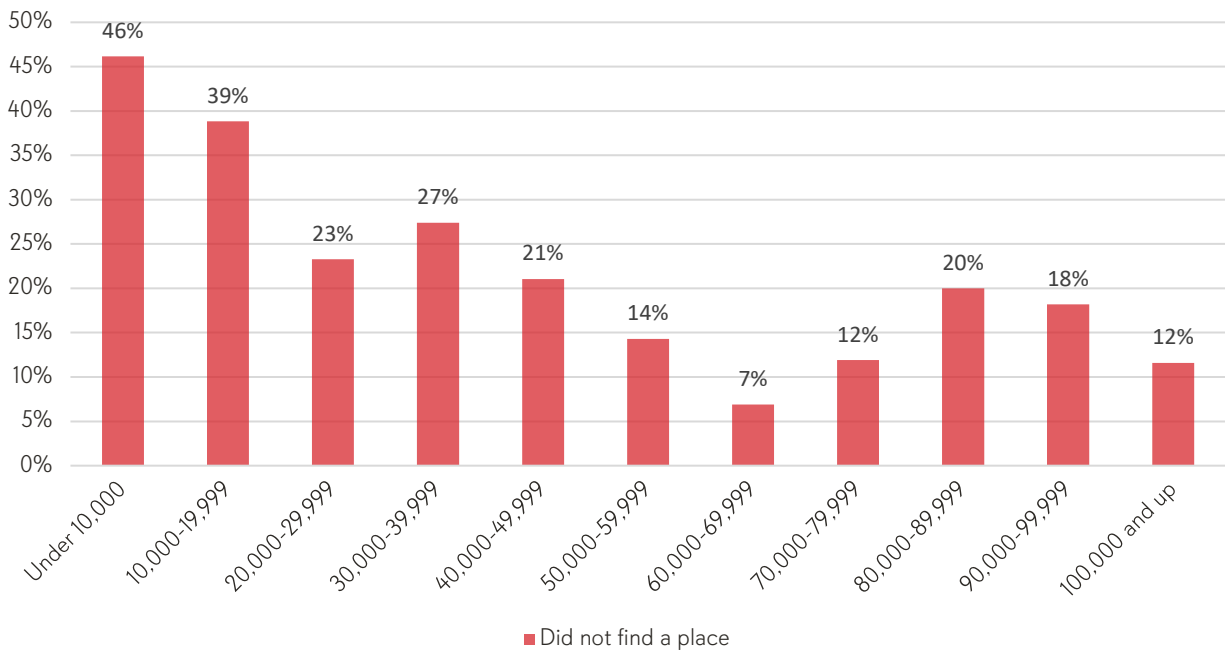
Homelessness is increasing in British Columbia.² As with eviction, it is easy to assume that homelessness happens in the margins—that it is something that affects only the least privileged members of society.

Our data paint a more complex picture. The proportion of people who became homeless after eviction was greater for the lowest income groups, and generally, the risk of homelessness declined as income went up. But homelessness after eviction was present in all income groups, including those whose household income was in the \$100,000 and over category. This tells us that in the present housing climate, income up to \$100,000 does not offer total protection against homelessness after eviction. Policy changes to help reduce homelessness and to reduce unlawful or unnecessary eviction are necessary to protect BC tenants from across the income spectrum. A summary of the changes FIRST UNITED is advocating for is included in the final section of this report.

¹ In our data, 19 “landlord’s use” evictions were reported in purpose built rental buildings. In the media in September 2023, a tenant with low rent in a corporate-owned rental building was served with a “landlord’s use” notice: <https://dailyhive.com/vancouver/marpole-tenant-facing-eviction>.

² Homeless counts and comparative numbers for multiple communities in British Columbia, including Vancouver, can be found here: <https://www.bchousing.org/research-centre/housing-data/homeless-counts>.

Fig. 2 Homelessness After Eviction By Household Income



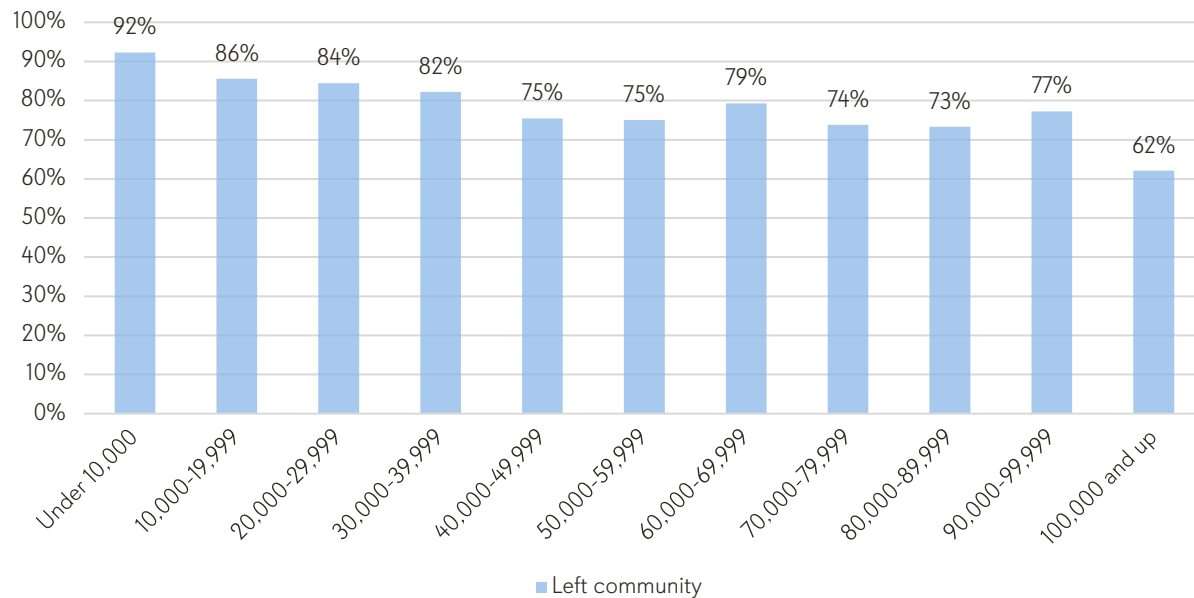
Displacement across income levels

As with homelessness, community displacement was not limited to those in the lowest income brackets. Community displacement—people being forced to leave their neighbourhoods after eviction—was extremely common across all income groups. Participants reported damage to social networks and relationships, losing access to community services, and having to move far from supports and education for children, and workplaces for adults.

People reported losing a sense of belonging to a place, and in some cases had lived in the same neighbourhood for decades before being evicted. Based on the impacts reported in this survey, it is clear that community displacement is a very common and harmful consequence of eviction in British Columbia.

As shown in Figure 3, the proportion of community displacement was highest for the lowest income group, in which 92% of people were forced to leave their neighbourhoods after eviction. The level of displacement declined with increasing income, but even tenants in the highest-income group (\$100,000 and over household income) were displaced from their neighbourhoods after eviction in 62% of cases. As with homelessness, having a higher income provided some, but far from complete, protection against community displacement. Community displacement following eviction is a risk for tenants across the income spectrum.

Fig. 3 Displacement After Eviction By Household Income



Evicted tenants face large rent increases across urban and rural areas

The BC Evictions Map shows rent increases after eviction throughout B.C., in both rural and urban areas. This information is available visually at <https://firstunited.ca/evictions-map/> and is updated regularly. Filters are available to show multiple categories of rent increases, corresponding to what is included in this report (same rent or less, up to \$500 more, between \$500 and \$1,000 more, and over \$1,000 more per month).

The following are some examples of the consequences of rent increases after eviction for people living in small or medium-sized communities in B.C.³

“Still haven't got my own place. I have had to move into my mother's [place] at the age of 48.”

“I lived on couches for a month with children. And ended up living in a beat-up old trailer for the same price.”

³ Communities with a population under 100,000 using Statistics Canada's definition of small (1000-29,999) and medium (30,000-99,999) population. <https://www.statcan.gc.ca/en/subjects/standard/pcrac/2016/introduction>

“My children and I had to live in a motel until we were approved for a home. We lived in the motel for 7 months.”

“Dramatic downsizing to fit into a place a third the size, and with one fewer bedroom. One of us now sleeps in what would be the living room of the new suite, so the family member in chemotherapy can have a bedroom to themselves. I now have to commute 50km roundtrip for employment, resulting in much higher gas usage (The previous commute was via walking).”

“Basically will have no money for anything other than rent and food.”
[Family with children]

“I am disabled and get \$1410 a month which would be plenty if rents were \$375 like disability says it should be...Everything I see available is \$1,000 and up. My adult son has a serious illness so I refuse to leave the area, meaning I might have to live in my 20 year old vehicle for the winter.”

Our data support the conclusion that evictions, and the harsh financial consequences associated with them, are not limited to large cities. People in smaller communities are also struggling with unsustainable rent hikes when they re-enter the rental market after eviction.

Highlighting hidden homelessness: living in vehicles

In reviewing the data, some situations that we expected to be rare, or used only as a “last resort,” emerged as recurring themes.

One such impact that stood out clearly was the number of people living in various types of vehicles after being evicted, including families with children, seniors, and people with disabilities. We have reports from 23 different respondents saying they had been forced to live in vehicles, including cars, trucks, a U-Haul, trailers, and motorhomes.

The following are some examples from people who were evicted and forced to live in vehicles across BC:

“I have been living in my vehicle since 2021. I work full time but have not been able to find a studio apartment I can afford. I applied to BC Housing but have heard nothing from them for the past 2 years.”

- Person in their 50's, large urban centre

“I cannot afford to live in the city I work in. I now live in a van that I move daily.”

- Woman in her 40's, large urban centre

“Been here [in the same community] for 40 years and I'm living in an RV with my family.”

-Family with children, medium-sized city

“I had to sell all of my belongings and now I live in my vehicle, as I need to stay in my city but cannot find a house in my price range that will accept a pet”

- Woman in her 30's, large urban centre

“We had to move into our travel trailer ... At the same time as our move-out I was formally diagnosed with stage 4 cancer and scheduled for surgery. I had to recover from that massive surgery in the RV, which was very hard.”

- Couple in their 40's, small town

“Functionally homeless, had jobs, living in RV until it was towed - then living in trailer on another property for 2 years”

- Indigenous man in his 50's, small town

“Living in car and the park. Mental stress and physical health compromised.”

- Woman in her 30's with disabilities, large urban centre

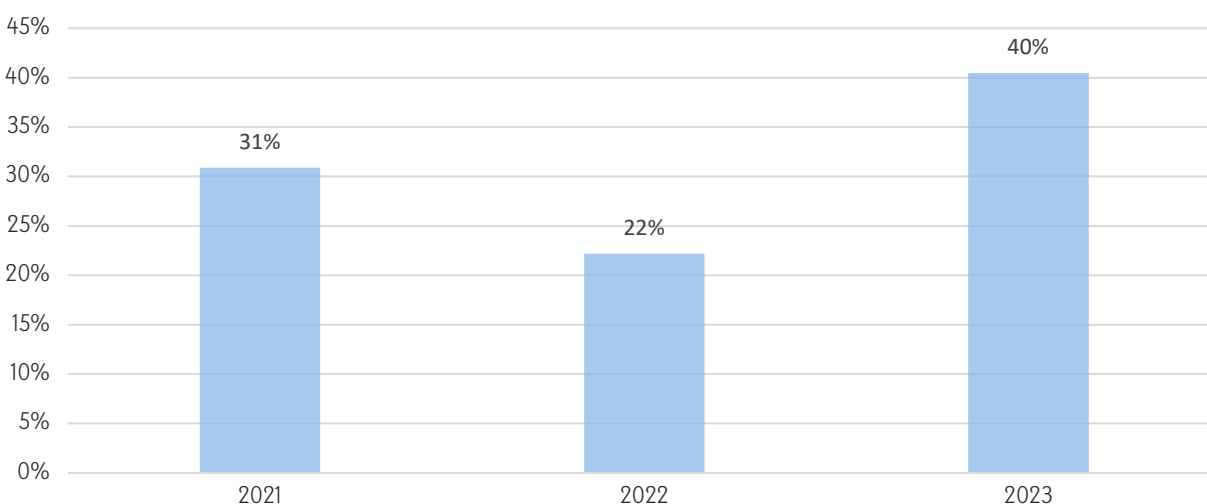
“Homelessness, lost everything, slept in U-Haul for a month.”

- Man in his 30's, large urban centre

Our data show the impacts of eviction, including homelessness and community displacement, across B.C. and across the income spectrum. These impacts are likely to be the most harmful to those already living in severe poverty, but they also represent a risk to tenants in all income brackets and to the social fabric of communities.

Our data show that the proportion of evictions for higher income tenants may be increasing: in 2022, 22% of evictions reported were from households earning \$70,000 and above. In 2023, this almost doubled: 40% of evictions reported were from households earning \$70,000 and above.

Fig. 4 Proportion of Total Evictions for those with Household Income of \$70,000+, 2021-2023



We will continue to observe this, but given the frequent outcome of extreme rent increases, there is certainly a risk that eviction, displacement, and homelessness will become more prevalent in higher-income households.

The law reform recommendations we are bringing forward aim to protect the most vulnerable, but they also aim to protect the hundreds of thousands of B.C. tenants with moderate or higher incomes and provide important steps toward housing stability for all tenants in B.C.

2. Profile of Eviction for Indigenous Tenants: Mechanisms and Impacts

Background

The BC Eviction Map Survey has received a strong response from Indigenous tenants.⁴ Indigenous people make up 14% of evicted tenants in our data, even though they only make up 6.5% of tenant households in British Columbia.⁵ From other research, we already know that Indigenous people are also at higher risk of homelessness, and more likely to face risk and harm in housing, including lack of safe or adequate housing, discrimination, and racism and harassment.⁶

The eviction process, and the laws that support it, are also connected to settler colonialism in ways that create specific harm for Indigenous people because they echo harmful colonial policies. Indigenous people have faced, and in most instances continue to face, violent displacement from land and homes, forced family separation, institutionalization, abuse, forced assimilation through residential schools, racism, and economic marginalization. When we see these themes repeated in the mechanisms and impacts of eviction for Indigenous people, we cannot ignore the relationship between eviction and colonization.⁷

At FIRST UNITED we are committed to reconciliation in action. In the context of this project, this means paying attention to the specific impacts of eviction on Indigenous people and a commitment to working toward respectful relationships by advocating for law reforms that take these impacts seriously.

In this section, we present initial findings on the prevalence of homelessness and displacement after eviction for Indigenous tenants, the ways Indigenous tenants are evicted, and the profile of rent increases after eviction for Indigenous tenants.

Homelessness after eviction for Indigenous tenants

Homelessness after eviction is much more common for Indigenous tenants, compared to non-

⁴ 14% of respondents identified as Indigenous (N=99) of a total of 698 respondents. The higher rate of eviction for Indigenous people is corroborated in Xuereb, S. and Jones, C., "Estimating No-fault Evictions in Canada: Understanding B.C.'s Disproportionate Eviction Rate in the 2021 Canadian Housing Survey" (2023, University of British Columbia), p. 20.

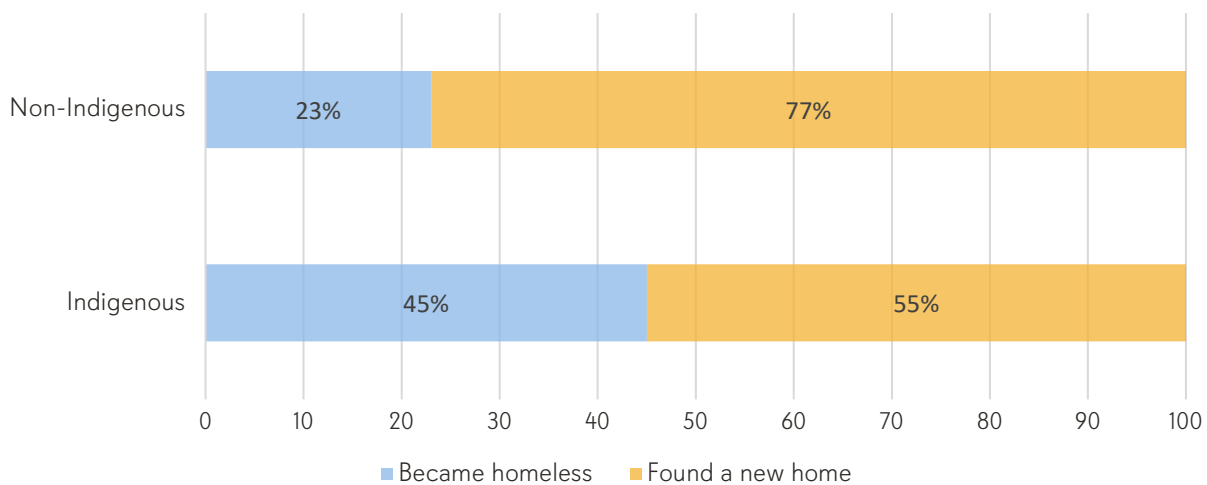
⁵ Canadian Rental Housing Index, https://www.rentalhousingindex.ca/en/#indigenous_prov.

⁶ See National Indigenous Feminist Housing Working Group, "Homeless on Homelands" (submission to the Federal Housing Advocate) (2022), <https://housingrights.ca/resource/homeless-on-homelands/>; Buhler, S., and Barkaskas, P. "The Colonialism of Eviction." *JL & Soc. Pol'y* (2023) 36:23; Kidd, Sean A., et al. "A national study of Indigenous youth homelessness in Canada." *Public Health* 176 (2019): 163-171. See also reporting on Indigenous homelessness in B.C. homeless counts, <https://www.bchousing.org/research-centre/housing-data/homeless-counts/>

⁷ Buhler, S., and Barkaskas, P. "The Colonialism of Eviction." *JL & Soc. Pol'y* (2023) 36:23.

Indigenous tenants. Indigenous tenants became homeless after eviction in 45% of cases. For non-Indigenous tenants, 23% became homeless after eviction.

Fig. 5 Homelessness After Eviction
(% of respondents)



The following are firsthand experiences of the impacts of homelessness after eviction, from Indigenous respondents:

“It was pretty harsh, we became homeless and are still homeless after 3 months. Have been to various shelters, sometimes just on the street. My partner is in a woman's shelter. I lost my job because I didn't have a place to live.”

“I was living with my [extended family, including children]. When we got evicted, my partner and I ended up on the street...My partner and I tried to get into shelters and couldn't find a co-ed [shelter]. There was nowhere to go where we could stay together. That led to falling further into addictions than I already was. It has put my kids through a lot, being unstable...because we're bouncing around, it has affected their schooling.”

“I ended up in an inappropriate male-dominated shelter after surviving sexual assault.”

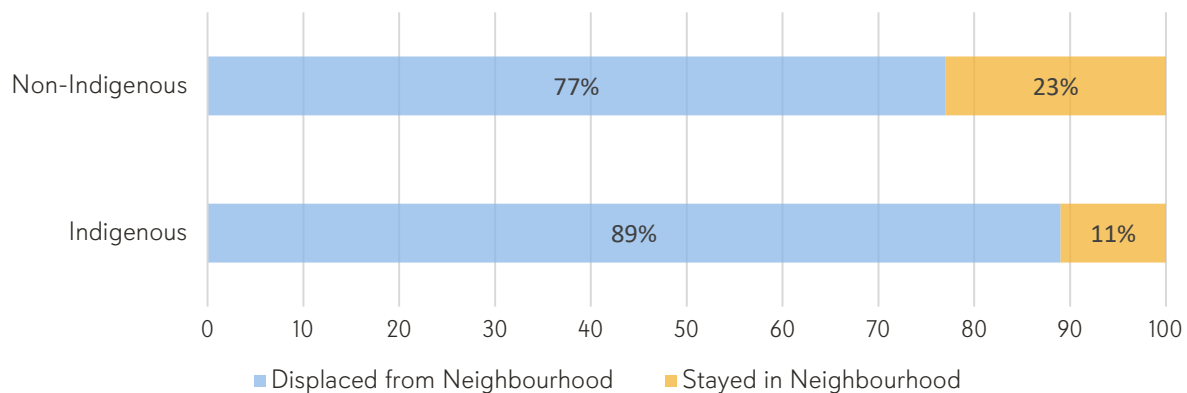
“Scared—where am I going to go with my five kids?”

Displacement after eviction for Indigenous tenants

The BC Eviction Mapping data also track neighbourhood displacement: having to move out of one’s neighbourhood after eviction. Displacement damages social relationships and support networks, reduces access to work, and disrupts access to services and amenities (including schools, services, and activities for children).

As with homelessness, the proportion of Indigenous respondents who were displaced after eviction was notably higher than the proportion of non-Indigenous respondents who were displaced.

Fig. 6 Displacement after Eviction - Indigenous and non-Indigenous



The following are firsthand experiences of the impacts of displacement after eviction, from Indigenous respondents:

“I had difficulty finding somewhere to move that allowed pets, and had to move to a rougher neighbourhood, further away from work.”

“I had to move to a much smaller house, with less bedrooms in a different neighborhood. My kids had to change schools. I had trouble

finding a place that would accept pets. My new house is constantly cold and flooding.”

“I had to move away from the community I had lived in my whole life. Now I have to drive 30 minutes every day so my son can stay in the same school.”

“I was forced out of the community I lived in for 30 plus years.”

“I have one income, no child support, and no family. I depend on an afterschool program which has been a great support for my kid. I will literally have to start all over again. It is defeating to think that I will have to find a new school and an afterschool program and a new childcare provider.”

These impacts would be painful for any tenant, but when they affect Indigenous people specifically, they form part of a bigger picture. The National Indigenous Housing Group is focused on housing research and advocacy for Indigenous women, girls, Two-Spirit and gender diverse people. In their recent submissions to the Federal Housing Advocate, they describe the relationship between housing, culture, and colonialism:

“The role that lack of safe, accessible, and stable housing plays in disrupting transmission and practice of our cultures and our ways of doing, in tearing away our families from their place and power makes housing in Canada a legacy of the genocidal violence of the residential school systems. The full realization of our right to housing, as understood and articulated by us, is at the core of our ability to practice and reclaim our cultures.”⁸

Listening to Indigenous people’s experiences of eviction and understanding how it happens gives us a way to start imagining how Canadian laws could be changed for the better.

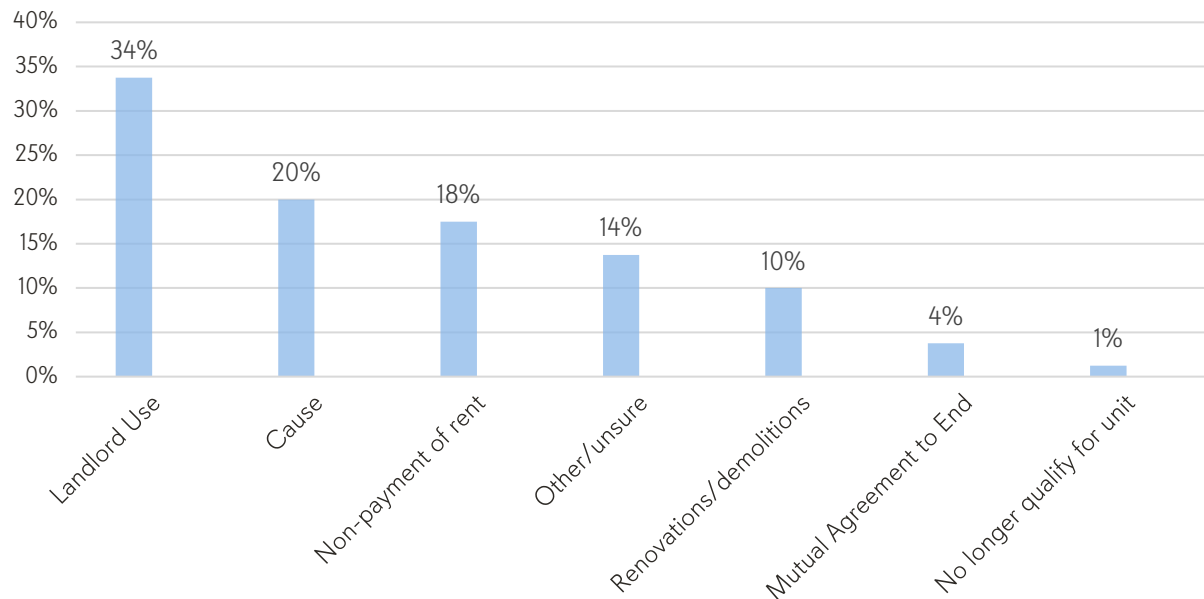
⁸ National Indigenous Feminist Housing Working Group, “Homeless on Homelands” (submission to the Federal Housing Advocate) (2022), online: <https://housingrights.ca/resource/homeless-on-homelands/>, p. 9.

Mechanisms of eviction for Indigenous tenants

Formal Evictions

As was the case for all respondents, the most prevalent mechanism of formal eviction for Indigenous tenants was “landlord’s use,” in which the landlord claims that they, a family member, or a buyer is intending to use the property, and that the tenant must leave.

Fig. 7 Mechanisms of Formal Eviction (Indigenous Tenants)



The following are first-hand experiences of the impacts of formal eviction for Indigenous people:
For evictions where the landlord claimed “landlord’s use” as a reason:

“The landlord claimed his kid needed a place but said I could stay if I agreed to pay a lot more. He had measured the suites and determined I was paying the least per square footage.”

“The person requesting use is actually the landlord’s brother. We read that this was illegal so filed an RTB claim but we are dropping it now as the idea of a few more months of precarious housing and fighting our landlord is too stressful.” **[Authors’ note:** ‘landlord’s use’ evictions cannot be used for a brother; they can only be used for the landlord

themselves, the landlord's spouse, children, or parents, and their spouse's children or parents]

"We rented one side of a duplex, the new landlord said he and his wife were moving into our unit and told other tenant his father moving in on that side. He (the new landlord) used the same reasons for other units he owned, to evict others, just to be able to jack up the rent to 2 or 3 times what current renters were paying."

"I had lived in the house with two of my grandchildren for twenty years. They were small kids when we moved in. I was given two months' notice to move, I asked if I could have a third month but was told that the new owners were moving in right away. My previous rent was \$900 a month, my current rent is \$1950. We were fortunate to find a suitable house for my family but financially it continues to be a struggle. As of now, our previous home is still unoccupied. No one moved in."

"Landlord's use" evictions are addressed in more detail in the following section.

In addition to "landlord's use" evictions, landlords can legally evict tenants for "cause." This includes instances when the landlord says the tenant has damaged the property or harmed other tenants, or if the tenant is not upholding an important part of the tenancy agreement (for example, smoking if there is a "no smoking" rule). However, when a landlord believes they have "cause" to evict a tenant, the landlord is still not allowed to turn off the power, enter the unit without notice, or otherwise retaliate against the tenant. Legally, the landlord must still respect the tenancy agreement until it ends.

Landlords do not have to include any proof when they evict tenants for "cause," and if the tenant wants to dispute it, they have to file a claim with the Residential Tenancy Branch within ten days. Similarly to "landlord's use" evictions, if tenants do not file a claim, the law assumes they accept the eviction.

For evictions in which the landlord alleged "cause", participants shared:

"I was given a 30-day eviction notice "for cause" on March 10th. I thought I had until April 31st to be out of the place. The landlord decided he wanted us out sooner and turned my power off in mid-

April in the middle of the night with myself and two young boys inside. I didn't have a working phone and it was a long weekend. My boys and I ended up sleeping in my SUV because it was cold and really dark.”

“The attempted eviction caused incredible mental stress during an already low time in my life... [the landlords] would show up on my patio all the time so I kept my curtains closed 24/7. I had asked them to give me a heads up, a text or whatever, before entering my patio. They told me that I rent inside, not outside, they can access the patio anytime they want.”

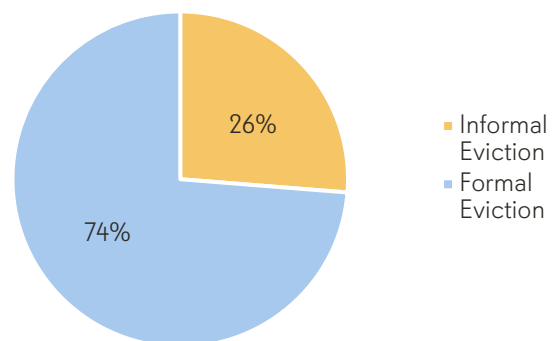
“After my partner and I complained about the conditions, the landlord started to retaliate by making complaints about my guests.”

Informal Evictions

As with all respondents, Indigenous respondents were evicted by “informal” means in just over a quarter of all cases. Informal evictions are evictions in which the landlord has not ended the tenancy in accordance with the law and has used other methods ranging from changing locks or refusing maintenance, to telling the tenant verbally that they have to leave, or outright harassment. Informal evictions are particularly harmful as they leave tenants with no clear path to assert their rights.

Among the Indigenous people who were evicted informally, most (N=11) reported that the landlord had told them in person or on the phone that they had to leave, without providing the legally-required Notice to End Tenancy.

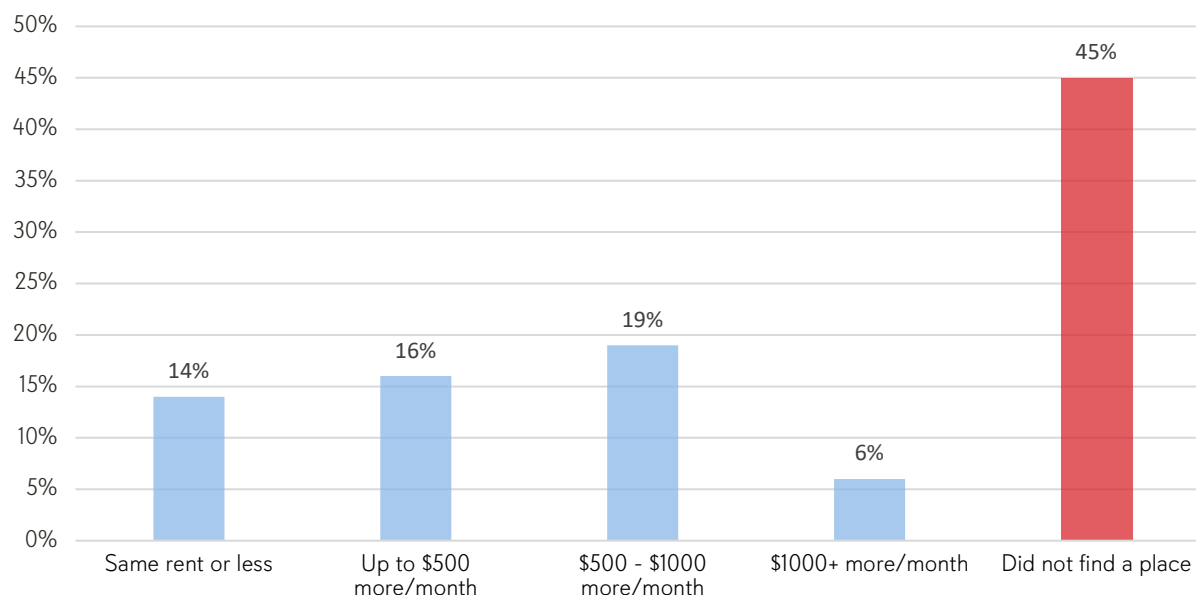
Fig. 8 Prevalence of Informal Eviction - Indigenous Tenants



Rent increases after eviction for Indigenous tenants

As with all tenants, Indigenous tenants who did find a home after eviction faced extreme rent increases, far higher than wage increases or inflation.

Fig. 9 Rent Increases After Eviction (Indigenous Respondents)



In describing the impacts of eviction, Indigenous respondents spoke of how these rent increases affected them:

“I was in school at the time. I was forced to take tens of thousands of dollars of additional debt to finish my degree because of higher rent at my new place.”

“I am a single parent with no family or spousal support. I had to leave my [highly skilled job] to deal with trying to find another home and spent thousands on moving. I was just barely holding it together since the pandemic, and this took all of my savings.”

“We had a difficult time acquiring another home as we are low income. The financial gap that allowed us some security has closed. I have to choose between which medication I can afford.”

Our data show that Indigenous people face homelessness and displacement after eviction at a higher rate than non-Indigenous people, which is of urgent concern due to both the heightened risks already faced by Indigenous people in the housing system and the relationship between housing systems and colonial violence.

While Indigenous tenants are evicted by the same mechanisms as non-Indigenous tenants, and face similar high rent increases after eviction, the impacts on Indigenous people must be understood in the context of colonial relations, including the ongoing legacy of dispossession, displacement, assimilation, and genocidal violence.

3. Landlord's Use Evictions Remain Extremely Prevalent

“Landlord’s use” evictions have accounted for a majority of reported evictions throughout our study. At the time of writing, landlord use (either for landlords themselves or on behalf of a buyer of the property) was listed as a reason for eviction in 62% (N=318) of formal evictions.

“Landlord’s use” is one of the ways landlords can legally evict tenants in B.C. However, there are specific limits on how landlords can do this. The landlord can evict tenants if the landlord themselves, or their parent or child (or their spouse’s parent or child) honestly intends to live in the unit. Siblings, grandparents, grandchildren, or other extended family moving in cannot be used as a reason to evict.



If the landlord is selling, the new buyer can ask the landlord to evict the tenants if the new buyer (or their parent or child, or their spouse’s parent or child) truthfully intends to live in the unit. This cannot happen until after the home is formally sold. Eviction cannot be a condition of sale, and it cannot happen “just because” the landlord is selling. If the new buyer (or the parent/child) is not moving in, they must maintain the tenancy and they cannot increase the rent more than the usual legal increase.

Landlords do not have to include any proof when they evict tenants for “landlord’s use.” If the tenant wants to dispute, they must file a claim to the Residential Tenancy Branch with 15 days of getting notice from the landlord. If the tenant does not file a claim, the law assumes they have accepted the eviction.

In their large-scale study using the federal Canadian Housing Survey data, UBC researchers Xuereb and Jones conclude that no-fault evictions, including “landlord’s use” **are why B.C. has the highest eviction rate in Canada.**⁹

The authors classify these evictions as “no-fault” because they are not based on anything the tenant has done wrong, but rather represent the landlord reclaiming the property, ostensibly for a use other than rental. The researchers reported that these evictions “can involve evictions for genuine personal use,” but they are “often financially motivated, caused by the landlord’s belief that they can sell the property for a profit or increase the rent if they evict the tenant or renovate the unit.”¹⁰ The authors note that “landlords whose primary purpose is to make a profit rather than to maintain a property may be more likely to evict tenants.”¹¹

⁹ Xuereb, S. and Jones, C., “Estimating No-fault Evictions in Canada: Understanding B.C.’s Disproportionate Eviction Rate in the 2021 Canadian Housing Survey” (2023, University of British Columbia), p. 15.

¹⁰ Ibid, p. 5.

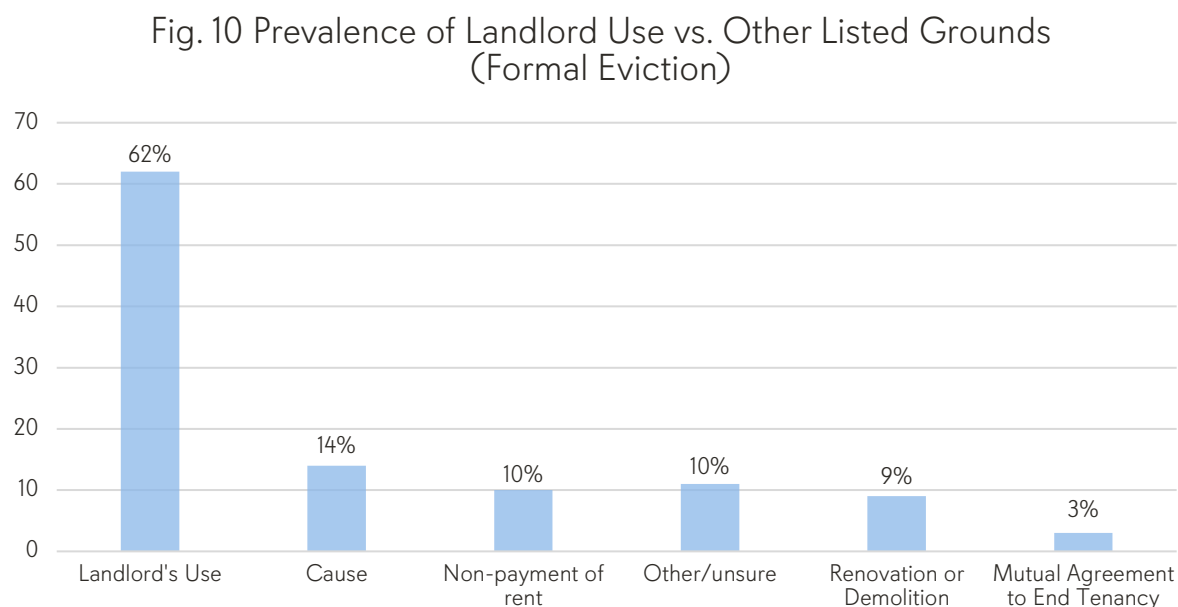
¹¹ Ibid

This is not the first time that no-fault evictions have created problems in B.C. Landlords in B.C. used to be able to evict tenants by stating they wished to renovate the unit (often known as “renovictions”). In 2018, a government task force on rental housing took note of the negative impact of “renovictions” and their first recommendation was “Stopping Renovictions.”¹²

The government changed the law to require landlords to apply for eviction and provide evidence, rather than simply giving tenants notice of their intent to renovate. This change was very effective. From November 2021-June 2022, only 21 applications were made under this section, and of these, only three were granted by the RTB.¹³ Our data corroborate this: since 2021, renovictions comprise only 1.4% of reported formal evictions (N=7).

Renovictions are now very infrequent, but “landlord’s use” evictions have been extremely common in the years since this change was made.¹⁴ One of our recommendations for law reform is to make a similar change for “landlord’s use” evictions, with the hope of preventing bad-faith evictions (see below for a list of our main recommendations).

Fig. 10 Prevalence of Landlord Use vs. Other Listed Grounds (Formal Eviction)¹⁵



¹² BC Rental Housing Task Force, *Recommendations and Findings* (2018).
https://engage.gov.bc.ca/app/uploads/sites/121/2018/12/RHTF-Recommendations-and-WWH-Report_Dec2018_FINAL.pdf

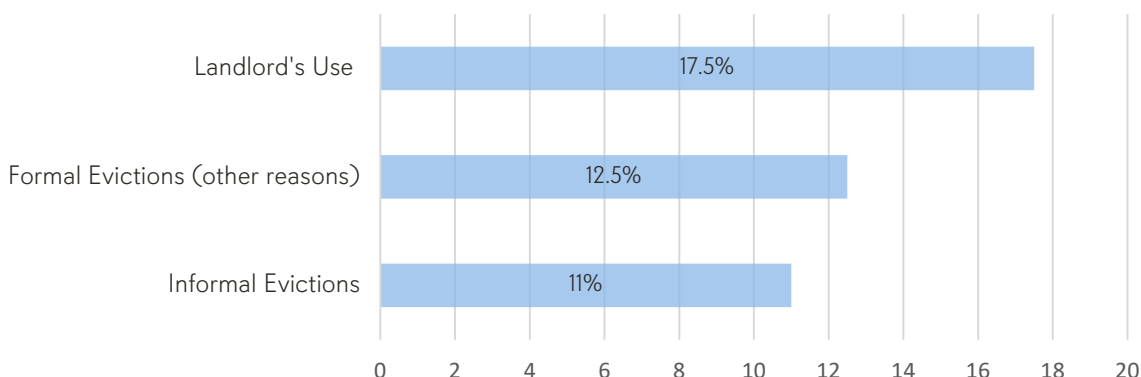
¹³ Freedom of Information request FOI MAG-2022-21620 (RTB).
<https://www2.gov.bc.ca/gov/content/governments/about-the-bc-government/open-government/open-information/completed-foi-requests>.

¹⁴ In addition to our data, reports from the Tenant Resource and Advisory Centre that “landlord’s use” evictions have increased since renovictions became harder to obtain: <https://bc.ctvnews.ca/b-c-considering-reforms-to-eliminate-bad-faith-evictions-for-landlord-s-use-1.6535843>.

¹⁵ Tenants often received notices where the landlord listed multiple reasons for eviction; the total number of formal evictions reported in our data was 511 (of a total of 698 evictions).

One of the major consequences for tenants after being evicted is extreme increases in rent. In recent years, market rents have risen to unprecedented highs in British Columbia.¹⁶ Without vacancy control, there is no limit on how much a landlord can raise the rent on a unit between tenants.

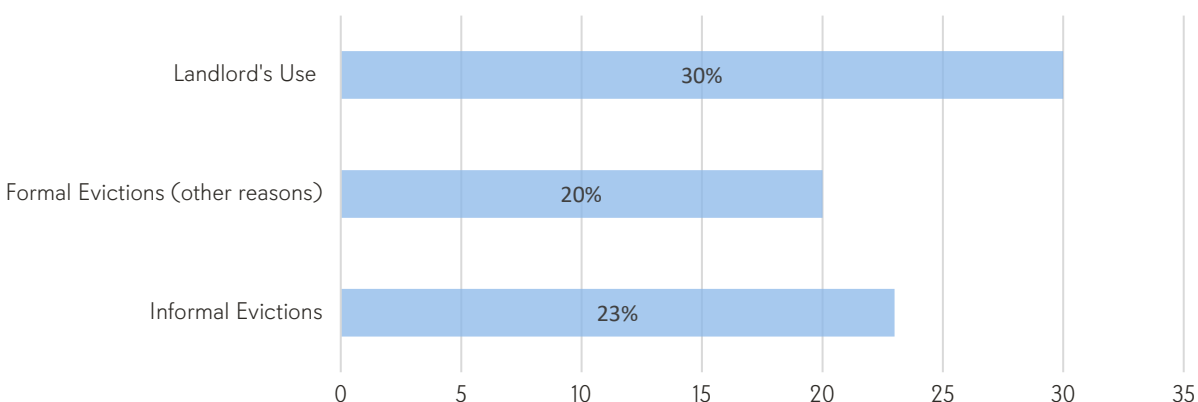
Fig. 11 Rent Increase of More than \$1,000 per Month by Eviction Type (%)



Tenants evicted for “landlord’s use” are more likely to face larger rent increases than other types of evictions. For example, 17.5% of those evicted for “landlord’s use” faced a rent increase of **more than \$1,000 per month**, compared to 12.5% of those formally evicted for other reasons, and 11% of those informally evicted.

30% of people evicted for “landlord’s use” faced a rent increase of between \$500-1,000 per month, compared to 20% of those formally evicted for other reasons and 23% of those informally evicted.

Fig. 12 Rent Increase of \$500 - \$1,000 More per Month by Eviction Type (%)



¹⁶ See, Global News, “It’s now \$2,471 a month on average to rent an apartment in B.C.”, February 16, 2023 (<https://globalnews.ca/news/9492924/average-cost-rent-apartment-bc-new-report>), CMHC Rental Market Report, January 2023 edition (<https://www.cmhc-schl.gc.ca/-/media/sites/cmhc/professional/housing-markets-data-and-research/market-reports/rental-market-report/rental-market-report-2022-en.ashx>), Canadian Rental Housing Index (https://www.rentalhousingindex.ca/en/#cost_cd).

Why do tenants face greater rent increases after “landlord’s use” evictions than after other types of eviction? Is it possible that landlords are using this method of eviction to evict lower-paying tenants in order to rent the unit for a higher price? This would align with Xuereb and Jones’s conclusion that no fault evictions such as “landlord’s use” are “often financially motivated.”¹⁷

The higher rent increases we see in those evicted for “landlord’s use” may represent a trend of tenants being forced to move from rent-controlled existing tenancies to much higher market rent in situations where landlords were strongly motivated to evict, due to the lower rents of those tenants and the rapidly escalating rental market, which provides an obvious opportunity for increased profit. One of the primary goals of our law reform platform is to reduce the likelihood of bad faith “landlord’s use” evictions.

Because annual rent increases are limited each year for ongoing tenancies, lower-paying tenants are often long-term tenants. If landlords are using “landlord’s use” to evict these tenants, this would mean that stable, long-term tenants are effectively being punished for having lower rent, even though they have done nothing wrong. On top of the obvious financial consequences, long-term tenants are also especially vulnerable to the harms of displacement from their communities because they are likely to have deep relationships to their communities through social ties, services, work, school, and other critical links.



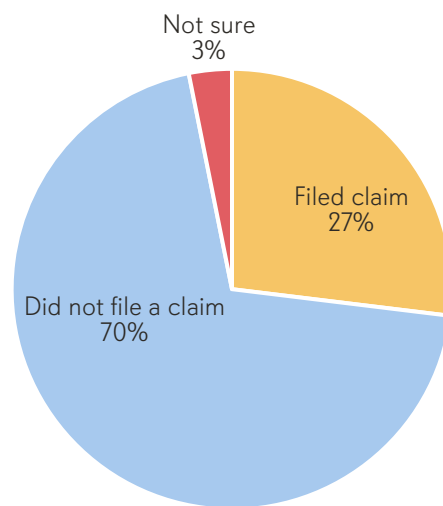
¹⁷ Xuereb, S. and Jones, C., “Estimating No-fault Evictions in Canada: Understanding B.C.’s Disproportionate Eviction Rate in the 2021 Canadian Housing Survey” (2023, University of British Columbia), p. 5.

4. Barriers to Dispute Resolution at the Residential Tenancy Branch¹⁸

In our present residential tenancy system, the burden is on tenants to file a claim if they are evicted. If tenants do not, or cannot, file a claim, the law assumes that they agree with the eviction. Understanding whether tenants actually make claims when they are evicted, and the barriers they face, is an important part of knowing how well the current laws protect tenants and promote housing stability.

Although eviction had profound and harmful impacts on most respondents, survey data show that a majority of people, 70%, who were evicted (N=488) did not file a claim with the RTB.

Fig. 14 RTB Claims After Eviction



Under B.C.'s *Residential Tenancy Act*, if a tenant does not dispute an eviction within short timelines (ranging from 5 to 15 days, depending on the kind of eviction), the tenant is presumed to have accepted the end of the tenancy, and the eviction will proceed without a hearing or any evidence.¹⁹

Our survey included a specific question about whether or not people filed a claim with the RTB, and if not, why.

¹⁸ The Residential Tenancy Branch is a government office responsible for holding hearings and making decisions about landlord and tenant issues in British Columbia and gets its powers from the *Residential Tenancy Act*. This is the office that hears all tenant disputes of eviction, as well as compensation claims, repair claims, and most other landlord and tenant issues.

¹⁹ *Residential Tenancy Act*, SBC 2002, c 78, ss. 46-49.2.

The data show that tenants do not actually agree with the eviction (as presumed by the *Act*) in most cases. To the contrary, in an initial analysis, we see the following themes in why tenants did not dispute evictions:

People who were evicted did not dispute because they were afraid of landlord retaliation and harassment: Many tenants in this category had already experienced landlord harassment, threats, dishonesty, or neglect of basic property maintenance in the tenancy, and did not want to risk angering the landlord. In some cases, landlords specifically used the threat of eviction when tenants tried to raise maintenance issues.

People who were evicted did not dispute because they assumed landlord good faith and/or power: Many people did not use dispute resolution because they assumed the landlord's assertions (e.g. about purported family occupation) were unassailable, not because they agreed with the eviction. Some people subsequently realized landlords were not acting in good faith or that they did not have the right to evict, but had lost their homes and their right to dispute by that time.

People who were evicted did not dispute due to barriers to the dispute process: Barriers included being unable to pay the fee, being unaware of their rights, seeing the dispute process as complex or intimidating, and specific barriers such as childcare, elder care, working many hours, and medical issues.

The following are some specific examples of the reasons people did not file a claim:

“We believed that the new owners were going to move in as stated on the notice. We had no way to know that they were [acting dishonestly] until we observed the house sitting empty for 6 months and is now rented to private tenants. We are about to file for a year's rent because they did not use the property for use stated on eviction notice. That is cold comfort when we are displaced from our neighborhood and are currently living in a rental slated for demolition.”

“We lost access to water a month before the notice. We were afraid of being homeless or that the landlord would terminate the power to the property.”

“I was in the process of recovering from serious surgery and did not have the resources to file a claim. I didn't know I could file a claim.”

“Too tired, didn't have the energy, not knowing where to go, new to BC, had to learn everything.”

“No spare time... finding a place to live, then moving and working all the while overseeing the care of my mother with dementia.”

These testimonials and other initial findings inform our law reform platform, which seeks to prevent unlawful and unnecessary evictions and reduce the burden on tenants. One of the legal changes we are recommending is to have a system where landlords must make an application and show evidence before they can evict a tenant. A summary of our platform is provided below.

We hope to conduct further analysis on this topic in subsequent reports.

Summary and Next Steps

In this report, we have highlighted the mechanisms and impacts of eviction on tenants across B.C. Our data show that eviction, displacement, and homelessness are not limited to the lowest-income households in British Columbia, nor are they limited to large urban centres.

While lower-income households are made homeless or displaced more often than higher income households, **having a higher income does not entirely prevent displacement or homelessness.** We see eviction, displacement, and homelessness across income brackets up to our top bracket of \$100,000 and above (annual household income). Similarly, we have documented the impacts of eviction, including extreme rent increases, across British Columbia and in both small and large communities.

We have included a focus on responses from **Indigenous tenants, who are more likely to face homelessness and community displacement after eviction.** This information must be understood in the context of the ongoing impacts of colonization, the heightened risk Indigenous people face in housing, and in particular the ways in which eviction can serve as an extension of colonial violence.

We have also confirmed that “landlord’s use” evictions continue to make up the majority of reported evictions. **“Landlord’s use” is given as a reason for eviction in 62% of reported cases,** which is consistent with findings in the recent large-scale statistical data study conducted by UBC researchers Silas Xuereb and Craig Jones. Tenants evicted for “landlord’s use” are more likely to face large rent increases, including rent increases of over \$1,000, than tenants evicted for other reasons, and they also face the risk of homelessness and community displacement (as with all types of eviction).

Finally, in this report we have presented initial findings about use and access to the Residential Tenancy Branch’s dispute resolution. In British Columbia’s, tenants are legally assumed to accept evictions if they do not file a claim. If tenants do not file a claim, the eviction proceeds with no evidence or hearing. In a large majority of the documented evictions (70%), tenants did not file a claim. This was not because they accepted the eviction (as assumed at law), but for other reasons, including **fear of landlord retaliation, uncertainty of their rights, and barriers to the process such as lack of money, stress, or medical conditions.**

FIRST UNITED is committed to advocating for systems change. We will continue to document and report on how evictions are happening, who is being affected, and what the impacts are. We will use what we learn to fight for law reform that will improve the rights of tenants and housing security in British Columbia. **We have summarized below the most urgent and necessary changes to the Residential Tenancy Act.**

Outline of Law Reform Recommendations

1. **Reducing unnecessary and bad faith evictions**
 - a. Require landlords to apply to the RTB with evidence before being able to evict a tenant.
 - b. Require landlords to give tenants a chance to resolve less serious issues before they can apply to evict.
2. **Proportionality and making eviction a last resort**
 - a. At eviction hearings, require the RTB to treat eviction as a last resort, and consider the impact of eviction, including economic, physical, social, and cultural impacts, and impacts on children.
3. **Improving Procedural Fairness and Appeal Rights**
 - a. Require the landlord seeking eviction to provide evidence in advance so that tenants can know the case to be met.
 - b. Confirm in the governing legislation that the duty of procedural fairness applies to the RTB.
 - c. Allow for substantive review of RTB decisions (internal appeal).
4. **Protecting Tenants from Illegal Conduct**
 - a. Prohibit landlords from harassing, obstructing, coercing, threatening, or interfering with a tenant prohibit landlords from engaging in retaliatory eviction.
 - b. Prohibit landlords from inducing tenants to vacate a rental unit except in accordance with the processes in the *Act*.
 - c. Increase the maximum penalties for landlords to \$10,000 for individuals, and to \$50,000 for corporations.
5. **Preventing Rent Gouging and Stabilizing Rent (Vacancy Control)**
 - a. Make the allowable annual rent increase apply regardless of a change of tenant.
6. **Diversity and Inclusion in Housing**
 - a. Prohibit restrictions on cooling equipment.
 - b. Prohibit pet restrictions.
 - c. Prohibit increased rent for additional occupants.
 - d. Prohibit eviction of co-tenants/add presumption of continued tenancy for co-tenants.
 - e. Allow assignment and subletting for all tenants.

APPENDIX A – Demographics of Survey Respondents

Fig. A.1 Respondents by Annual Household Income

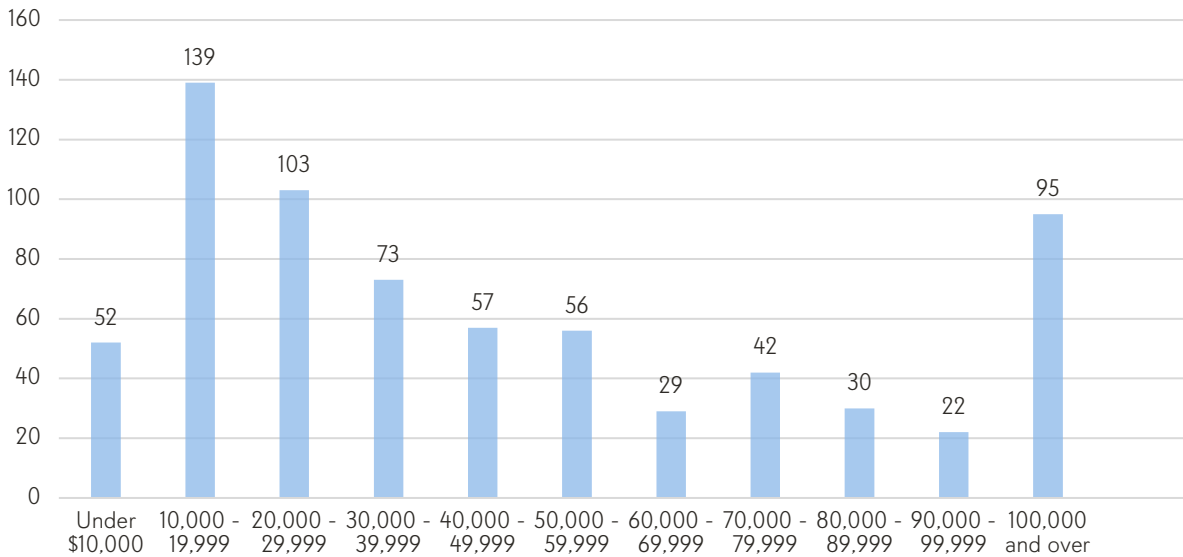


Fig. A.2 Respondents by Gender Identity

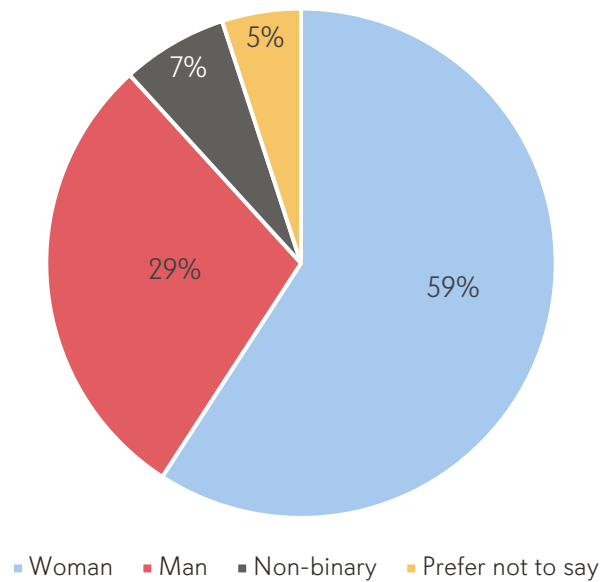
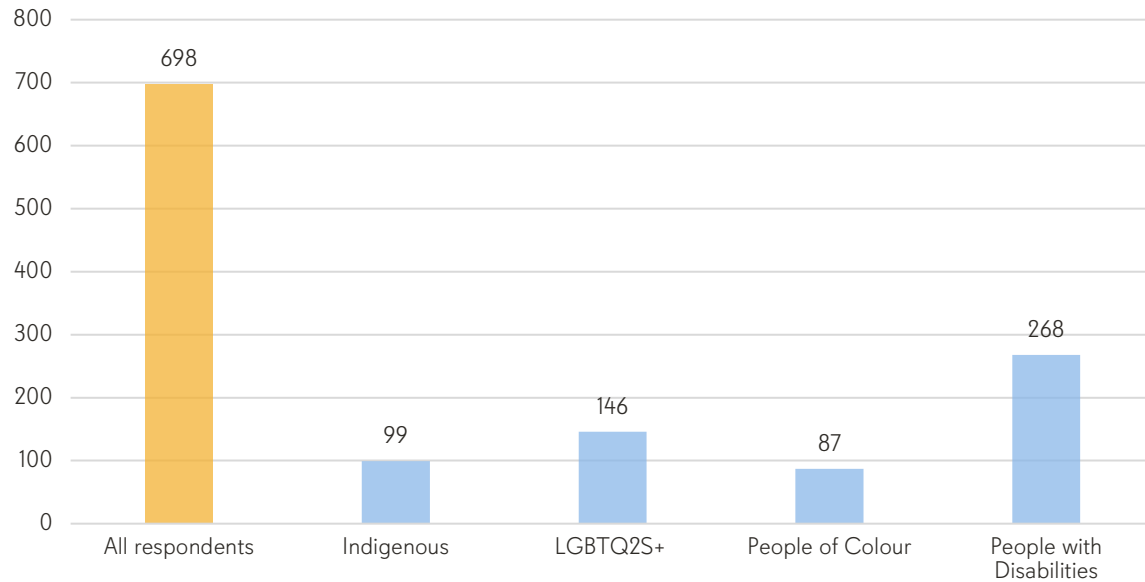
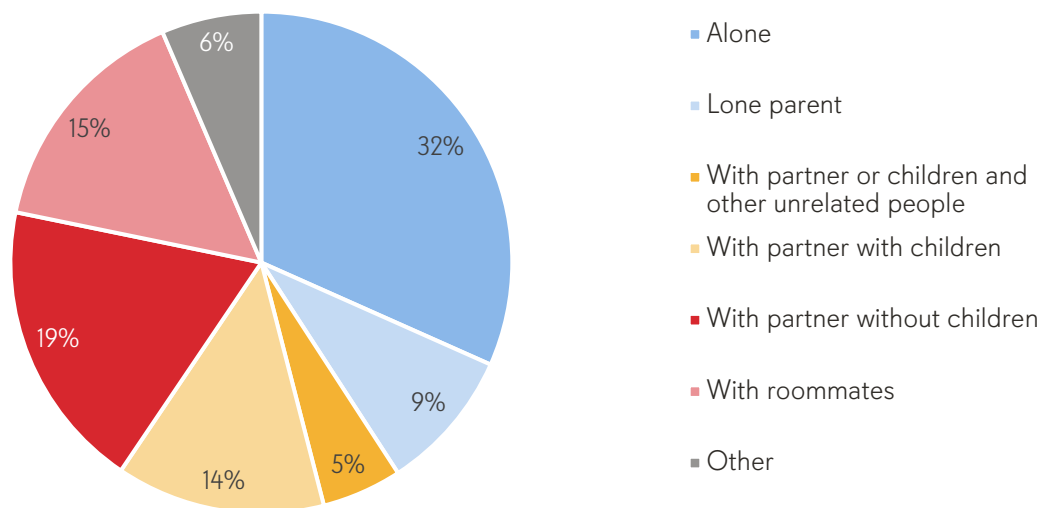


Fig. A.3 Respondents by Self-Identity



*Some respondents identified as belonging to more than one of the above groups

Fig. A.4 Family Living Situation Before Eviction



APPENDIX B – Survey Questions

Question	
<p>1. When did you <u>first move into</u> the place you were evicted from?</p> <p>It's OK to use an approximate date if you're not sure.</p>	
<p>2. When did you get evicted from or forced to leave your place?</p> <p>It's OK to use an approximate date if you're not sure.</p>	
<p>3. What type of place was it?</p>	<p>Check one, or if “other” please explain:</p> <p>An apartment building that is all rentals.</p> <p>A condo or apartment owned by one person or privately owned.</p> <p>A lane house or coach house.</p> <p>A suite in a house (basement suite, top floor suite, middle floor suite).</p> <p>A whole house.</p> <p>A Single Resident Occupancy unit (SRO).</p> <p>A shared home (landlord shares bathroom and/or kitchen with you).</p> <p>Other/unsure (please enter details below)</p>
<p>4. Was your place in a supportive housing building?</p> <p>This is a building that provides extra services to tenants, such as meals, support staff, or life skills training. Supportive housing buildings are usually managed by a non-profit organization and sometimes get their tenants to sign "program agreements."</p>	<p>Check one:</p> <p>Yes</p> <p>No</p> <p>I don't know</p>

<p>5. Did you get eviction papers from your landlord? (Notice to End Tenancy or Mutual Agreement to End Tenancy)</p>	<p>Check one:</p> <p>Yes</p> <p>No (If No, please SKIP TO QUESTION 7)</p>
<p>6. What were the reasons your landlord listed on the Notice to End Tenancy?</p>	<p>Check one or more:</p> <p><u>Non-payment</u> of rent.</p> <p>"Landlord's use of property": landlord or landlord's family member <u>wants to move in.</u></p> <p>"Landlord's use of property": landlord has sold the property and <u>buyer or buyer's family member wants to move in.</u></p> <p>The landlord got an Order of Possession from the Residential Tenancy Branch to do <u>renovations.</u></p> <p>I signed a <u>Mutual Agreement</u> to End Tenancy.</p> <p>"Cause": <u>Non-payment of security deposit</u> or pet damage deposit.</p> <p>"Cause": <u>Repeated late payment</u> of rent.</p> <p>"Cause": <u>Too many occupants</u> in your unit.</p> <p>"Cause": You or your guest <u>disturbed tenants or the landlord, jeopardized health and safety,</u> or put the landlord's property at risk</p> <p>"Cause": <u>Extraordinary damage</u> to the property.</p> <p>"Cause": <u>Failure to repair damage</u> to the property.</p> <p>"Cause": <u>Failure to comply with a material term.</u></p> <p>"Cause": <u>Sublet or assignment</u> without landlord's permission.</p> <p>"Cause": Giving <u>false information to prospective buyers.</u></p> <p>"Cause": Must leave due to an <u>order from the city</u> ("order to vacate").</p> <p><u>End of employment with the landlord.</u></p> <p>The landlord says <u>I no longer qualify for rent subsidy.</u></p> <p>The landlord <u>plans to demolish or convert</u> the property.</p> <p>Other/unsure:</p>

<p>7. If you were not given eviction papers, what was the reason you had to move out?</p>	<p>Check one or if “other” please explain:</p> <p>The <u>landlord told me in person or on the phone</u> that I had to leave.</p> <p>The <u>landlord wrote a letter</u> saying I had to leave.</p> <p>The landlord <u>changed the locks</u>.</p> <p>My home was no longer safe because of <u>health or safety issues</u> (including plumbing, heating, locks, and other repair issues).</p> <p>I was not allowed to have <u>guests</u>.</p> <p><u>The landlord was entering my home</u> or allowing people into my home without my consent.</p> <p><u>My rent went up or I was charged extra</u> for utilities and services.</p> <p><u>There were lots of potential buyers</u> coming through my home.</p> <p>I don't have a formal landlord, <u>but I was evicted or forced out by others</u> (roommates, house owner, or family members).</p>
<p>8. If you were forced to move for another reason, please give details here.</p>	
<p>9. How much is your rent in the place you are being evicted from or forced to move from?</p>	
<p>10. Did you find a new place to live in the same neighbourhood?</p>	<p>Check one:</p> <p>Yes</p> <p>No</p>
<p>11. What is the difference in rent between your old place and your new place?</p>	<p>Check one:</p> <p>It is the same rent or less</p> <p>It is <u>up to \$500</u> more per month</p> <p>It is <u>\$500-1,000 more</u> per month</p> <p>It is <u>more than \$1,000</u> more per month</p> <p>I haven't found a new place to live</p>

<p>12. Did you file a claim with the Residential Tenancy Branch to dispute your eviction or forced move?</p>	<p>Check one:</p> <p>Yes</p> <p>No</p> <p>Not Sure</p>
<p>13. If you filed a claim with the Residential Tenancy Branch, please give details here.</p>	
<p>14. If you did not file a claim with the Residential Tenancy Branch, please explain why.</p>	
<p>15. Did you get legal help with your tenancy issue?</p>	<p>Check one:</p> <p>Yes</p> <p>No</p>
<p>16. What is your annual family income, after taxes? Please include your income and your partner's income (if any).</p>	<p>Check one:</p> <p>Under \$10,000</p> <p>\$10,000-19,999</p> <p>\$20,000-29,999</p> <p>\$30,000-39,999</p> <p>\$40,000-49,999</p> <p>\$50,000-59,999</p> <p>\$60,000-69,999</p> <p>\$70,000-79,999</p> <p>\$80,000-89,999</p> <p>\$90,000-99,999</p> <p>\$100,000 and over</p>

<p>17. What was your family living situation in the place you were evicted from or forced to leave?</p>	<p>Check one:</p> <p>I lived alone.</p> <p>I lived with a partner without children.</p> <p>I lived with a partner with children.</p> <p>I lived as a lone parent.</p> <p>I lived with a partner or children and other unrelated people.</p> <p>I lived with roommates.</p> <p>Other:</p>
<p>18. What was the impact of your eviction or forced move? Please give details.</p>	
<p>19. What is the street address you were evicted from? (e.g. 123 Sesame Street)</p>	
<p>20. What was the postal code of the place you were evicted from?</p>	
<p>21. Do you belong to any of the following groups?</p>	<p>Check all that apply:</p> <p>Indigenous</p> <p>Person of Colour (including Black, Asian, South Asian)</p> <p>Person with Disabilities (includes mental and physical disabilities)</p> <p>Gay, Lesbian, Bisexual, Queer, Two-Spirit</p> <p>Transgender</p>
<p>22. What is your gender?</p>	<p>Check one:</p> <p>Woman</p> <p>Man</p> <p>Non-binary</p> <p>Prefer not to say</p>
<p>23. How old were you at the time of your eviction or forced move?</p>	

<p>24. Please enter your email address or phone number (this is for data verification only, <u>we will not share or publish your email or phone number</u>).</p>	
<p>25. Do you wish to share more about your eviction story? If so, we may follow up with you.</p>	<p>Check one:</p> <p>Yes</p> <p>No</p>
<p>26. Do you wish to receive updates about this project?</p>	<p>Check one:</p> <p>Yes</p> <p>No</p>