



# Bulletin

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## NATIONAL STUDY CHAMPIONS TENANTS

Tenants in Canada still have a long way to go to obtain equality with landlords before the law, according to a national study of landlord-tenant legislation released in Ottawa in February by the Canadian Council on Social Development.

The study, the first of its kind, shows that there are still serious gaps in the rights of tenants, even in the five provinces (British Columbia, Manitoba, Ontario, Nova Scotia and Alberta) that changed their laws last year, in areas such as rent-regulation, rent-increases, *vis-à-vis* the landlord, the obligation to repair, restrictions on children, discrimination (among other reasons, for personal appearance and the size of family), standardized leases, legal aid — 25 specific “functions” in all. These have been detailed in a report entitled *Tenant Rights in Canada*, prepared by Michael Audain and Chris Bradshaw of the Council’s housing staff.

The authors do not apologize for their study’s frank bias in favour of tenants, particularly low-

income tenants: “We have little trouble justifying this,” they write, “given the long history of landlord domination. We are also conscious that the owners of rental property (with increasing frequency these are large developer-builder-landlord corporations) have considerably greater financial resources and expertise at their command than the tenants whose cause we seek to advance.”

### PROVINCIAL LAWS COMPARED

The Audain-Bradshaw report compares landlord-tenant legislation in the ten provinces. It ranks Manitoba first in its enlightened interpretation of tenant-rights. Manitoba’s laws, recognizing these rights, are integrated into one lucid piece of legislation; according to the report, this province has a broader and firmer statement of tenant-rights than any other, and it has introduced the idea of “rentalsman” (rental ombudsman). It has also publicized the new legislation widely. The report points out that governments must make known changes in legislation and the rights and benefits these confer on citizens, since injustice often results merely from ignorance of the law.

Nova Scotia is ranked second, because of the thoroughness of its legislation, which includes the regulation of rent, and provides for a residential-tenancies board. Such a board, says the report, is preferable to the present courts in landlord-tenant dealings because it can respond quicker and work in a less complicated way. It can deal with any dispute between landlord and tenant and can also advise.

British Columbia and Ontario rank third and fourth, for the legislative reforms they made in 1970. The authors note however, that, although B.C. allows tenant cases to be handled in the simpler small debts-courts, it allows municipal bylaws to supersede its legislation on tenants’ security deposits. Ontario still has no provision for rent-regulation.

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