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A ROSE BY ANY OTHER NAME...

THE VICTORIA RTB OFFICE CLOSURE AND WHAT IT MEANS FOR TENANTS

By Noah Ross

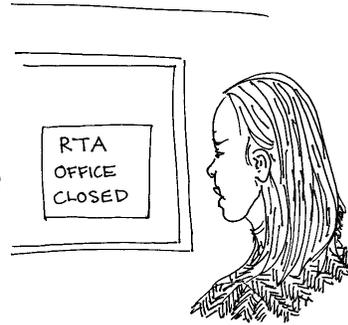
On July 2nd, 2015, the Victoria Residential Tenancy Branch (RTB) office at 3350 Douglas Street stopped providing front-counter services to tenants. Since July 2nd, tenants have been directed to use front-counter services at the new Service BC centre at 403 – 771 Vernon Avenue in the Gateway Village.

The Douglas Street RTB office was staffed by specifically trained government employees who were knowledgeable and experienced in tenancy issues. Tenants could go to the office and get information about

tenancy law, as well as help filling out complex RTB forms related to the tenancy dispute process.

The officers at the new Service BC office are not specifically trained to inform tenants about RTB procedures or to help fill out dispute resolution hearing forms. Instead, tenants have to access RTB services over the telephone, by email, or by accessing the RTB website.

Since the closure of the RTB office, the tenant advocates at TAPS have heard from tenants who were not able to effectively access the



telephone- or computer-based RTB services and who needed assistance with the forms. As a result of not being able to get the help they needed, these tenants ended up submitting forms that were incomplete and did not reflect their concerns.

The closure of front-counter services at the RTB office will disproportionately

(See RTB Office Closure, page 6)

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VIEW TOWERS AND THE PUBLIC INTEREST

By Stephen Portman

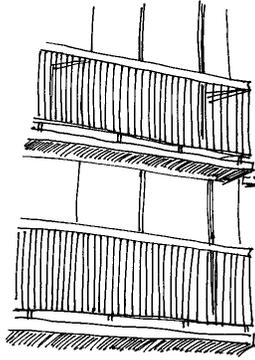
In early July, TAPS received a letter from the Residential Tenancy Branch (RTB) laying out their reasons for refusing to investigate the landlord of View Towers, Westsea Construction Ltd.

TAPS first requested that the RTB investigate Westsea on September 25, 2014, for alleged contraventions of the Residential Tenancy Act (RTA) following the May 2014 fire at View Towers. This request was denied, and this denial prompted TAPS to file an application in the BC Supreme Court. The BC Supreme Court issued a court consent order directing the RTB to conduct a new evaluation of TAPS' request for an investigation.

Despite the substantial evidence alleging that Westsea gave tenants incorrect or no information about the state of their suites, coerced tenants into signing mutual agreements to end their tenancies, and failed to provide tenants with access to personal property, the RTB

again declined to investigate the landlord.

The RTB's letter states that it has decided not to investigate the complaint because "it is very unlikely that there would be public benefit in an investigation as the alleged harm had little



effect on other members of the public," among other reasons. As an organization with a long history of advocating on behalf of low-income tenants, we respectfully disagree; we believe an investigation would have been of benefit to the public. At the very least, an investigation into the actions of Westsea would have served to give the public faith that tenants have protections under the law. Should the RTB have investigated and found that Westsea did not break the law, the same public benefit would result.

The reasoning offered by the RTB undermines the purpose of much legislation that intersects with the interests of people on low incomes. Too often this

legislation is compliance-based, requiring individual complaints for any injustices to be addressed. At TAPS, we frequently hear that people who have been wrongfully evicted, exploited at work, or denied income assistance should simply file a complaint, and then justice will be done and the public interest served.

It will come as no surprise to our community that it almost never works out this way. Finding justice one case at a time is a poor way to serve the public interest, and this is especially true when considering the interests of the poorer members of the public. Legislation like the Residential Tenancy Act must be enforced to ensure that the protections it offers have effect. When landlords break the law there should be a consequence in order for the law to be respected. Where the compliance of landlords with tenancy laws remains unchecked, the public interest becomes predicated on private virtue, and this never works out well for the public interest.

While many landlords are well intentioned and law abiding, we see far too many abusing the rights of individual tenants on a recurring basis, with little regard for individual

LEARNING TO BE A BETTER ADVOCATE

By Lukas Bhandar

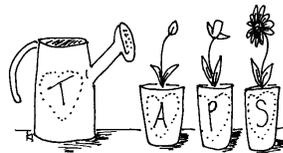
I first heard of Together Against Poverty Society about a year ago, when I met Victor Ryan, the Public Interest Law student who worked here last summer. Through Victor I saw the despairing aftermath of the View Towers fire, and heard about the tenants who had been abandoned by both their landlord and their provincial government. In Victor, I saw the passion, dedication, and determination to advocate for people marginalized and silenced by society. I greatly admired Victor for those qualities, and he inspired me to apply for a job here this summer.

I started working at TAPS in May in the Income Assistance Advocacy Project. On my first day I was immediately thrust into the intense atmosphere that pervades this organization: that same day we helped submit a 44-page Ombudsperson complaint against the Ministry of Social Development and Social Innovation. I was blown away—almost intimidated—by the energy of my co-workers.

I had very little legal

experience prior to TAPS. I had once taken notes for my lawyer uncle when he prosecuted in a Provincial Court case, and I had advocated for LGBT university students with the UVic Pride Collective. In the past three months I have gained a much better appreciation of the demands and challenges of legal advocacy. I have helped people apply for supplements, submit reconsiderations, and receive the information and assistance they are due from the Ministry. I feel extremely privileged to have worked with these extraordinary individuals, and every advocate I've worked with has exhibited the same energy and dedication that I first saw in Victor.

Here at TAPS we have a motto: "It is justice, not charity, that is wanting in the world." Every day I am inspired to see my co-workers and clients show the true passion that it takes to seek out that justice. ■



TAPS ADVOCATES

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Jen King Employment Standards Legal Advocate

Yuka Kurokawa Tenant Advocate

Zoë Macmillan Federal Disability Advocacy Project Coordinator

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HOUSING INSECURITY

By Alice K.

You might say I'm an expert on housing insecurity. My first experience of housing insecurity was when I was escaping my abusive husband. At 25, I took my two children and fled to a women's transition house.

My second experience came later in life, in my mid-30s. By then, I had a diploma in Computer Science, spoke four languages, and had single-handedly raised two children on my own, with no child support or outside assistance. I was living in California, working for a Silicon Valley software company, earning \$75,000 a year. We lived very well there for four years.

Then my mother was diagnosed with Alzheimer's. I quit my job, and my daughter and I left everything we had in California and moved back to Ottawa to look after her.

I'd made living arrangements with a longtime friend. At first, everything was fine. Then my friend would have fits of rage, sometimes directed at me, other times at her daughter. Finally, after three months, she kept my rent in advance and kicked both me and my daughter out, literally into the cold. I had a 103-degree

fever, no car, and we were in the middle of the countryside in the dead of winter.



"I don't feel comfortable with you staying here"

Since then, my daughter and I have experienced homelessness multiple times. The worst was in Langford. I still had my car then, and a minimum wage job at Staples.

We lived in Metchosin, on a property where the owner rented small cabins. This environment became increasingly unstable, and threatening, too. I left that house a few months later when I'd secured a few days at my daughter's friend's house in Langford. Or so I thought. The day after we moved in, I found all our bags, boxes and belongings by the front door, my daughter crying on the doorstep, and the mother standing with her arms crossed. She said: "I don't feel comfortable with you staying here. You need to leave."

We were in a vacant Walmart parking lot. It was

dark and raining. From the payphone I could see my daughter crying in the front seat of my car, holding our Jack Russell terrier tight. We slept in a car for the first time in both our lives that night.

Two months later, while living in a homeless shelter with my daughter, I got a job at IBM making \$33 an hour, and we got an apartment.

A few years later, I developed health problems and became unemployed. Our family's source of income became income assistance.

Rescuing Strays

In December 2014, I invited a homeless man to stay at my home for the holidays. I felt good about providing someone with shelter at Christmas time. It was what my parents might have done. I had a long history of rescuing: as a child, it was squirrels, cats, dogs, hamsters, birds. When I became an adult, I took in teens fleeing their abusive parents, and people who just didn't have a place to sleep.

At first, I worried a bit about my personal safety, my meager belongings. But by week one all my worries disappeared: My TV was still in place, I hadn't been robbed or assaulted; in fact he helped with household chores and dishes, and was

(Cont'd from Housing Insecurity, Page 4)

extremely respectful of me and my home.

Still, no good deed goes unpunished, and this time I would pay a high price for saving someone, by becoming homeless myself.

"He looks homeless".

After a while, my once-friendly neighbours stopped talking to me. The young lady downstairs told me point-blank that she wasn't comfortable coming over to play cards anymore. I asked her why. She said it was my new roommate. He made her uncomfortable, scared. She said: "He looks homeless". The nice couple down the hall hurried away from me when once they'd stop to chat.

These and other neighbours complained to my landlord about me having a male staying at my home. I received a Letter of Warning stating that if my "visitor" didn't leave in a few days, I would be evicted. By then, my "visitor" had officially become my roommate. I couldn't ask him to leave after he'd already paid half my rent.

After this, the harassment began. A variety of "maintenance men" would knock on my door, at least once a day, usually first thing in the morning. They'd wave

a paper in my face, ask me to sign it and give me a copy: "Unit Inspection". I was so stressed that I gave my notice to end tenancy.

"Divide and conquer"

A family member offered me a room to stay in until I could find a new home. I was to pay rent and contribute to groceries and utilities. Because I was on disability, because I didn't have a job, I was treated badly by my family member, someone who'd known me all my life. I was told I was not welcome. I was accused of eating food. I was insulted. After about a week, I was evicted without notice. Now I was truly homeless, truly alone and vulnerable.

Would I need to get a tent? Where would I put it? Where would I store my belongings? I'd never had to sleep in the rough before. I was scared, heartbroken.

I went to a women's shelter. The shelter staff were the only people in recent years to actually help me get back on my feet, encouraging me to find an apartment (their maximum stay is 30 days), and keeping me well-fed. For the first time in five years, I was not worried about where my next meal was coming from.

Still, 30 days is not much time to find an

GOOD-BYE, RYAN

Ryan Tonkin, TAPS' Federal Disability Advocacy Project (FDAP) Coordinator, finished his one-year project at TAPS at the end of July. We have been so lucky to have had Ryan at TAPS, and he has provided excellent advocacy to our clients. We wish him the best as he continues to fight poverty and advocate for people in need in Victoria. Zoë Macmillan is taking the FDAP project over from Ryan.

FEDERAL DISABILITY ADVOCACY PROJECT

TAPS' Federal Disability Advocacy Project can provide information on CPP - Disability, the Disability Tax Credit and the Registered Disability Savings Plan. If you would like to speak with an advocate about any of these benefits, or would like help applying, contact Zoë Macmillan at TAPS at 250-361-3521.

apartment for under the income assistance ministry's \$375 shelter allowance. I faced a lot of discrimination because I wasn't employed. By some miracle, I was able to find a bachelor suite. Other women at the shelter weren't so lucky. Faced with the

(See Housing Insecurity, page 7)

PERSONS WITH DISABILITIES

TAPS has advocates who can help you apply for PWD (Person With Disability) status through the Ministry of Social Development and Social Innovation. TAPS can also help you with an appeal if you have applied and been denied. Call TAPS at 250-361-3521 for more information. If you are at the appeal stage, be sure to get in touch with us as soon as possible after receiving your letter of denial and tell the receptionist you are calling about a disability appeal.

(Cont'd from RTB Office Closure, page 1)

affect marginalized individuals, including those living in poverty, who often lack the resources or skills to successfully access services online or over the phone. In addition, the closure of services will disproportionately affect people with disabilities, who already experience a range of barriers and restrictions in their daily lives. These barriers to accessibility are exacerbated by the significant distance of the Service BC office from the downtown core, where many tenants in Victoria are located.

The closure of the RTB

TAX CLINIC

TAPS' tax clinic is closed for August. The tax clinic will resume on September 10th and will continue every Thursday thereafter from 9 a.m. to 11 a.m. and from 1 p.m. to 4 p.m. No appointments. First come, first served.

office is part of a broader policy shift by the provincial government to reframe service users as consumers of public resources, rather than as citizens with rights. This policy shift has effectively removed access to a range of government services, as people with disabilities, people living in poverty, and people who face a multitude of other forms of marginalization can no longer access the competent in-person services that they critically require.

As David Eby, BC NDP Spokesperson for Housing, has stated in a public letter issued in response to the closure of the Victoria RTB office, "the government has been systematically undermining key access to justice avenues for all British Columbians through underfunding and under-prioritizing essential services. The impact of these closures is felt most acutely...by those on the margins of society."

The outcome of the closure of the Victoria RTB office and other front-line government services by the BC government has worsened the ability of tenants, especially marginalized tenants, to access justice.

The closure of the RTB office also appears to have changed some of the procedures followed by RTB staff in the CRD. One change we have seen is that when a tenant makes an application for dispute resolution, the tenant will not receive a RTB hearing date at the time they file their dispute documents. Instead, tenants will typically receive a phone call informing them of their hearing date two to five business days after filing, and will typically be directed to pick up their documents from the Service BC office at this time. This creates a barrier for tenants who have mobility challenges or difficulty obtaining transportation to the Service BC office, as well as those who do not have phones.

Alternative Services for Tenants

TAPS' Tenancy Advocacy Project provides information and advice to tenants regarding all aspects of tenancy disputes and RTB procedures. TAPS also

(See RTB Office Closure, page 7)

(Cont'd from RTB Office Closure, Page 6)

provides limited phone access to tenants.

The Service BC office at 771 Vernon Avenue offers tenants computers where they can access information on government websites, including the Residential Tenancy Branch website. In addition, tenants can use the phone to contact RTB offices.

Alternatively, tenants can access information about residential tenancies from home at <http://www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies> and contact RTB officers from home by dialing 250-387-1602.

In addition, the following offices provide telephone and computer services in the downtown area:

- ◆ **REES Program**, 465 Swift Street, Victoria – Open telephone and computer use, Monday – Friday, 9:00 – 3:30.
- ◆ **Justice Access Centre**, 850 Burdett Avenue – Computer use related to court processes and tenancy issues, Monday – Friday, 9:00 – 4:00 PM.
- ◆ **Victoria Public Library**, various branches – Open computer use, Monday – Friday, hours vary based on branch. ■

(Cont'd from View Towers, Page 2)

complaints that are filed against them. Some of the more nefarious landlords see RTB orders won by individual tenants through arbitration as simply the cost of doing business.

Without proactive enforcement of tenancy laws, including investigations, tenants' rights will continue to be without meaning for many people living in poverty, and the public's faith in the law will continue to erode. Where the RTB has knowledge of widespread contraventions of the law on the part of a landlord, they should proactively investigate. However, to the best of our knowledge, the RTB has only ever investigated one landlord in BC resulting in administrative penalties.

If residential tenancy law is to serve the public, it must be meaningful. If it is to be meaningful, then the RTB must expend effort and resources to ensure that the law has effect, and this is what we have sought through our advocacy around the View Towers incident. We will continue this work.

To all of the tenants who have endured and given so much to the job of trying to find some justice out of what occurred at View Towers, thank you. It takes

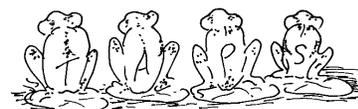
courage to try and do the right thing, and it is your courage that continues to fuel our efforts. ■

(Cont'd from Housing Insecurity, Page 5)

impossible task of finding a home within the ministry's allocated rental budget, many went back to their abusive partners.

When I finally did get housed, an income assistance worker called my landlord to check up on me. The next thing I knew there was a series of loud knocks on my door. The apartment manager entered my home, without the requisite 24-hour notice, barging past me as though she were expecting to find a meth lab. She said she'd had two phone calls that day from the ministry. She didn't go to the trouble of masking her contempt for people on income assistance. She made her opinion of "those people" quite clear. I felt the now-familiar sick feeling in the pit of my stomach.

Conclusion: I am still insecurely housed, and so are hundreds of thousands of others in BC, whether working or not. ■



ABOUT TAPS

TAPS was established and registered as a society in 1989 and serves the Greater Victoria area. We provide legal information and representation on issues relating to income assistance, provincial disability benefits, residential tenancy, and employment standards. We also provide public education in these areas and on broader poverty issues.

You can reach us between 9:30 am and 4:30 pm, Monday to Friday, by phone at 250-361-3521 or in person at #302 - 895 Fort Street. The office is closed daily for lunch between noon and 1:00 pm and is closed to walk-in clients on Monday and Friday mornings.

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