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WHEN YOUR LANDLORD SELLS YOUR HOME

By Emily Rogers

April 2016 was the busiest month in recorded history for residential real estate in Greater Victoria. This means that more homes sold in April than in any other recorded month. Given that many homes have secondary suites, tenants can be affected by the rise in real estate sales. This article outlines some of your rights if your landlord sells the property you are living in.

Showing the Property

The landlord must provide you with written notice 24 hours before they show your unit. This



notice must indicate the date and time that they plan to enter your unit. It must be between 8am and 9pm, unless you agree to a time outside of that.

If the landlord provides you with proper notice, you cannot refuse them entry into your suite.

You have a right to quiet enjoyment. If your landlord is showing your unit more than

you think is reasonable, you have the right to apply for dispute resolution through the Residential Tenancy Branch. Always address your concerns to your landlord first.

It is recommended that you make a written schedule of showings with the landlord and landlord's agent to avoid problems.

(See Landlord, page 6)

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POVERTY AND DIGNITY

By C. B.

Here we sit now in Victoria with a tent city, while countless others find places to sleep in parks or out-of-the-way spots they can slip into to get a bit of rest away from the eyes of the city, the outcome of government cuts going back to the 1990's, no building of new affordable housing—for decades!—waitlists for subsidized

TAPS' SILENT WITNESS PROGRAM

Many of our clients find that appointments with the Ministry of Social Development and Social Innovation (MSDSI) can be stressful. Some find that having another person at their appointment lessens their stress and helps the appointment proceed smoothly. At TAPS, we have volunteer silent witnesses who can accompany individuals to ministry appointments. If you would like to be connected with a silent witness, call TAPS at 250-361-3521.

housing on which names sit forever, market rents going up and up. And add to that desperately low welfare rates, if you can get any welfare at all. And condo after condo goes up, and where's the rental housing? Nowhere to be seen, and even the cost of a room is out of reach. So where do you go?

But we see somebody setting up their "home" in downtown Victoria, and we see people we don't want to see, in places we don't want to see them. Out of sight, out of mind, and let me live my life without having to think about the cost of inequality, the cost of treating people as a line on a budget sheet, or not even a line on a budget sheet, non-existent. But those people, they keep demanding things—a place to exist, dignity! No, I don't want to know about it. Let's direct our frustration at those whose circumstances make them vulnerable. That's it, let's stand up to the poor—we're not going to take any more of this.

This is how inequality turns citizens against each other. This is how the cracks form in a society, with people falling off the cliff,



and others—afraid, indifferent, angry—turning on those falling off the cliff. But don't think for a second people aren't affected by the violent language and the hateful proposals that turn up online and on radio talk shows and in letters to the editor.

"Poverty should not exist" becomes "The poor should not exist." BUT IT IS POVERTY THAT SHOULD NOT EXIST! In a rich country, in a rich province, which certainly does have the resources to provide housing for all who need it, but which has chosen not to. This is a political failure, not a personal failure. This is a failure in our society to value every human being equally, and a failure to even be able to imagine a society that values every one equally. We're all in this together. Let's look after each other. And let's treat each other with dignity and respect. ■

Please join us for

Tapas
for
TAPS

Thursday, June 9, 5pm

Heron Rock Bistro
435 Simcoe Street
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From the Times Colonist

and

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FUEL TAX REFUND FOR PERSONS WITH DISABILITIES

By Stephen Miller

(The information in this article comes from the Ministry of Finance's Fuel Tax Refund for Persons with Disabilities—Tax Bulletin MFT004.)

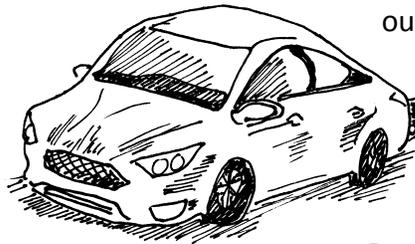
Are you a person with a disability who either has full or partial ownership of a vehicle registered with the Insurance Corporation of British Columbia (ICBC)? If so, the Fuel Tax Refund for Persons with Disabilities program, administered through the Ministry of Finance, may be of assistance to you. When you purchase fuel in British Columbia, a portion of what you pay is the British Columbia fuel tax, and this tax can be refunded, up to a maximum of \$500 annually, through the fuel tax refund program. To qualify, you must:

- 1) be at least 16 years of age,
- 2) be the registered owner of a vehicle or have an ownership interest in a vehicle registered to someone else, such as a spouse, and

- 3) have at least one qualifying disability.

The list of qualifying disabilities is lengthy. We will concentrate only on those who are designated a Person with a Disability (PWD) under the *Employment and Assistance for Persons with Disabilities Act*, as people with PWD status automatically qualify.

You can register for the fuel tax refund either online using eTaxBC, or by filling



out the Application for Registration for the Fuel Tax Refund Program for

Persons with Disabilities Form (FIN 119). This form is available on the Ministry of Finance website, from any Service BC Centre, or you can contact the Ministry of Finance and have one mailed to you. The form is also available at Victoria Disability Resource Centre.

Along with your registration application you must submit:

- 1) a copy of your identification,
- 2) a copy of your ICBC registration,

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.

Follow us on twitter
@tapsbc

- 3) documentation to confirm your disability, and
- 4) a copy of your power of attorney (only if you are applying on someone else's behalf).

If you do not have a valid BC driver's license, you can use other identification, such as a BCID card, passport, immigration card or birth certificate. You must

(See Fuel Tax, page 5)

(Cont'd from Fuel Tax, Page 4)

remember to include a copy of your ICBC vehicle registration (even in the case of joint ownership). If you are not registered with ICBC but have an ownership interest in a vehicle with another person, you must include:

- 1) a copy of the vehicle registration, and
- 2) a signed letter from the registered owner stating that you have an ownership interest in the vehicle.

Once you have been approved for the fuel tax refund program you will receive a confirmation letter, which will include the effective date, which is the date from which you can apply for a fuel tax refund. Ensure that you keep your receipts, as you will need them to get the refund. From this point onward you will need to complete the Application for Refund of Provincial Fuel Tax for Persons with Disabilities Form.

Keep in mind two points. First, there is a time limit; the Ministry of Finance must receive your refund application within four years of the date of purchase of the fuel. Be sure to adhere to this guideline, as it may not be appealed. Secondly, you will only be refunded the tax portion of your fuel cost, not

HELLOS AND GOOD-BYES

At the end of April we said good-bye to the wonderful students who have been at TAPS over the past few months. Leila Geggie Hurst finished her Law School co-op term, and Izzy Dehler-Hyde and Ejemen Iyayi have finished their Social Work practicums. It was great having all three of you at TAPS.

We are thrilled to have Ejemen Iyayi back for the summer working in tenant advocacy as one of TAPS' Canada Summer Jobs students (CSJ). We also welcome Caitlin Wright, our other CSJ student, here

doing disability and income assistance advocacy, and Alicia Corsiglia, who is doing her Social Work practicum in disability advocacy. We look forward to working with all of you over the summer.

On the staff side of things, we said good-bye to Andrew Tang, who was a tenant advocate from September to April. Andrew was a wonderful addition to our advocacy team and we will miss him. We welcome Emily Rogers to the tenant advocacy project. Emily is filling in for Yuka Kurokawa, who is on a four-month leave.

your entire fuel cost. As of right now, this is 18 cents per litre in Greater Victoria. The rates for diesel differ. You can get information on diesel rates by contacting the Ministry of Finance.

Only original receipts which include such qualifying information as the date the fuel was purchased, the type of fuel purchased, the number of litres, and the seller's name and address are accepted by the Ministry of Finance.

Unfortunately, TAPS does not help people apply for the fuel tax refund. Victoria Disability Resource

Centre (817A Fort Street, 250-595-0044) has application forms, as does Service BC (in Victoria, at 403 – 771 Vernon Avenue). ■



Together
Against
Poverty
Society

(Cont'd from **Landlord**, Page 1)

You are allowed to be present when your suite is shown. Your landlord is also allowed to show your suite when you are not present. If you aren't going to be in your unit when it is being shown, make sure that you secure your valuables and contain your pets.

If you are going to be there, you cannot interfere or prevent the sale of the property (for example, by making negative remarks about the landlord).

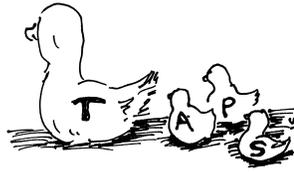
A lockbox cannot be used without your permission. (A 'lockbox' is a padlock-shaped box that hangs around a doorknob. The box holds keys and allows communal access for real estate agents who have the code to open the box.)

Ending the Tenancy

It is important to understand that your landlord cannot evict you just because they want to sell the property. Do not sign a mutual agreement to end tenancy unless you are sure that you want to move. You are not obligated to sign any agreement that ends your tenancy.

However, there are some situations in which your tenancy can end in relation to the house being sold.

If the new owners plan to occupy, renovate, convert



or demolish the unit you are living in and you have a **month-to-month tenancy** (a tenancy that doesn't have a set end date), the old landlord can give you a 2-month notice to end tenancy. If this happens, the landlord must give you compensation equal to one month's rent. If you haven't paid the last month's rent yet, you have the right to withhold that payment instead of receiving compensation. You can end the tenancy before the two-month deadline by giving 10 days' notice. The landlord must refund your rent prorated for the time that you already paid for but won't be living there.

If the new owners plan to occupy, renovate, convert or demolish the unit you are living in and you have a **fixed-term tenancy** (a tenancy that ends at a certain date), they cannot force you to move out before that date. You also cannot decide to end the tenancy early without breaking your lease and potentially being subject to penalties. However, you and the landlord can both agree to end the tenancy early

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on our busy front
desk—
a great way to
participate in the
fight against
poverty!

Call Heidi
at 250-361-3521

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facebook

("mutual agreement to end tenancy"). Again, you are not required to end your tenancy early if you have a fixed term tenancy, and the landlord cannot legally pressure you to do so.

If the tenancy agreement says that you need to move out at the end of your fixed term, the landlord does not have to give you any additional notice. Your tenancy ends on the day stated on your tenancy agreement.

If your tenancy

(See **Landlord**, page 7)

PERSONS WITH DISABILITIES

TAPS has advocates who can help you apply for Person With Disabilities status (PWD) 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 Landlord, Page 6)

agreement says that “the tenancy may continue on a month-to-month basis or another fixed length of time” after the fixed term deadline, the landlord must give you two full months’ notice that they plan to end your tenancy. They must also give you compensation equal to one month’s rent.

In all of these cases, all of the conditions of the sale must be removed (meaning the conditions have been

TAX CLINIC

At TAPS
Every Thursday
9 to 11 am
and
1 to 4 pm
No appointments
First come, first
served.

met and the sale is ready to move forward) before you are served with an eviction notice. Your eviction cannot be a condition of the sale. If served with an eviction notice, be sure to ask your landlord if the conditions have been removed. If your old landlord is evicting you because the buyer asked them to, make sure that the buyer has submitted this request in writing.

Once the new owners take possession of the property, they are the landlord. Assuming your tenancy continues after the new landlord takes possession, you have the same rights and obligations in relation to the new landlord as you had with the old landlord, and the new landlord has the same rights and obligations in relation to you.

Additional Compensation

If you are evicted and the landlord does not use (occupy, renovate, convert or demolish) the rental unit within a reasonable period of time, you can apply for dispute resolution through the Residential Tenancy Branch asking for payment equivalent to two months’ rent. The new landowner would then have to prove to an arbitrator at hearing that they intended to occupy, renovate, convert or demolish your rental unit when they gave you your eviction notice and that they had all the legal permits to do so.

More information:

For more information, contact Emily (Tenant Legal Advocate) at TAPS at 250-361-3521. The following resources may also be helpful:

Tenant Resource & Advisory Centre, Tenants.bc.ca,
1-800-665-1185.

Residential Tenancy Branch
<http://www2.gov.bc.ca/gov/content/housing-tenancy>
250-387-1602. ■



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 and federal disability benefits, residential tenancy, and employment standards. We also provide public legal 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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\$5 unwaged (we can waive this) \$20 waged \$80 organization

Taproot is mailed/e-mailed to members.

Donations are appreciated. Charitable tax receipts provided.

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