



208-1090 W. Pender St, Vancouver, BC  
V6E 2N7 Coast Salish Territory  
604.687.3063 fax 604.682.7896  
www.bcpicac.com



302-895 Fort Street, Victoria BC, Canada V8W 1H7  
Tel: (250) 361-3521 Fax: (250) 361-3541

## RTB takes a pass on investigation request to protect tenant rights in the aftermath of View Towers fire

**(July 13, 2015)** On July 9, 2015 the Residential Tenancy Branch (RTB) refused Together Against Poverty Society's (TAPS) request to investigate alleged violations of BC's landlord tenant legislation, the *Residential Tenancy Act*, by landlord Westsea Construction Ltd. (Westsea) that arose from a fire that occurred on May 15, 2014 at View Towers.

The fire at View Towers, one of the largest apartment buildings in Victoria providing shelter to low-income individuals and families, displaced many vulnerable low-income tenants, including seniors and people with disabilities.

TAPS first requested that the RTB investigate Westsea on September 25, 2014. This request was denied by the then-director for the RTB. This denial prompted TAPS to file an application in the BC Supreme Court, which resulted in a court consent order directing that the investigation request be resubmitted to the RTB for a new evaluation.

Past tenants of View Towers provided additional evidence to the RTB to assist in the RTB's subsequent evaluation. Despite the substantial evidence alleging that tenants were given incorrect or no information about the state of their suites, that tenants were coerced into signing mutual agreements to end their tenancies, and that Westsea failed to provide tenants with access to personal property, the RTB again declined to investigate the landlord.

"The *Residential Tenancy Act* explicitly provides BC's RTB with investigative powers, yet these investigative powers have only been used one time to levy administrative penalties," stated Yuka Kurokawa, TAPS Tenant Advocate. "It is difficult to imagine a case that would be investigated in this province if the evidence in this case provided insufficient grounds."

Among other reasons, the RTB's letter stated that it had decided not to investigate the complaint because there has been little history of enforcement actions against the landlord, and "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."

Stephen Portman, TAPS Interim Executive Director, commented that "from our perspective, it is troubling to see this decision in light of the impact this event has had on a large number of vulnerable tenants in our community. Systemic investigations are critical to protect the rights of those tenants who are unable, for a variety of reasons, to make individual complaints to the RTB.

Sarah Khan, a lawyer with the BC Public Interest Advocacy Centre (BCPIAC), who is representing TAPS in the complaint request, stated "unfortunately, there are very few effective levers available to tenants to address systemic contraventions of BC's landlord tenant laws. At this stage, TAPS will be reviewing all of the available options to continue to provide support to those affected by the fire."

### For more information, please contact:

Stephen Portman, TAPS  
Sarah Khan, BCPIAC

Ph: 250-361-3521 C: 250-361-6083  
Ph: 604-687-4134

Email: ed@tapsbc.ca  
Email: skhan@bcpiac.com