



# Summary of Engagement

Residential Landlord and Tenant Act Review

February 1-29, 2024



# Contents

- Summary of Engagement..... 2
  - Feedback from in-person sessions ..... 3
  - Who responded to the survey?..... 3
- Survey Responses ..... 4
  - Ending a tenancy: ..... 4
  - Rent Control:..... 9
  - Mobile Homes ..... 12
  - Landlord and tenant responsibilities ..... 16
  - Residential Tenancies Office ..... 19
  - Short-Term Rentals..... 20
  - Other comments on the *Residential Landlord and Tenant Act* review ..... 21
- Public Engagement What We Heard ..... 23
- Appendix 1..... 47
- Appendix 2..... 48
- Appendix 3..... 49
- Appendix 4..... 50



# Summary of Engagement

In February 2024, the Government of Yukon gathered feedback from Yukoners on the *Residential Landlord and Tenant Act*.

More than 1,500 Yukoners shared their suggestions for improvements to the *Residential Landlord and Tenant Act* as part of the Government of Yukon's review of this legislation.

Following an advertising and public information campaign by the Government of Yukon, 1,420 Yukoners responded to an online and paper survey developed in partnership with the Yukon Bureau of Statistics. From February 1 to 29, respondents shared their input on key issues impacting landlords and tenants.

An additional 120 Yukoners participated in public engagement events, including nine facilitated in-person sessions held in Whitehorse, Haines Junction, Dawson City and Watson Lake along with two online public information sessions. Approximately 100 additional people participated in 12 stakeholder meetings held with First Nations and municipal governments, not-for-profit organizations, and other stakeholders. Feedback was also sought from individuals experiencing homelessness and housing insecurity to ensure their feedback will be included in this review.

## How we got here

The Department of Community Services started reviewing the *Residential Landlord and Tenant Act* (the Act) in June 2023. After internal review and one-on-one conversation with stakeholder organizations, the Department of Community Services contracted consultants to lead a solutions lab – a series of in-depth workshops – with 11 individuals with diverse backgrounds in the housing sphere. These volunteers

brought various insights from their experience working and living in the Yukon's rental market.

Through stakeholder outreach, the solutions lab process, research and feedback from the Residential Tenancies Office staff, key topics for discussion during the engagement period included:

- flexibility of rent increases;
- ending tenancies;
- understanding the market;
- landlord and tenant education;
- lack of clarity of terms;
- the role of the Residential Tenancies Office;
- definitions of roommates;
- clarity around mobile home site tenancies; and,
- short-term rentals.

## Feedback from in-person sessions

The engagement included in-person workshops. Some of these workshops were open to the public, others were held with stakeholder groups. Themes and feedback from the in-person workshops are addressed in the RLTA What We Heard chapter, on page 24.

## Who responded to the survey?

One thousand four hundred and twenty (1420) Yukoners responded to the *Residential Landlord and Tenant Act Review* survey. Respondents to the survey were self-selected. Responses represent only those who chose to participate in the survey and are not representative of the Yukon population.

Respondents to the survey identified that they were from Dawson City, Haines Junction, Ibex Valley, Marsh Lake, Mount Lorne, Watson Lake and Whitehorse.

The number of landlords who responded to the survey was disproportionately high in comparison to tenants, and the survey subject matter drew very polarized views from those two respondent groups. A third group of respondents did not identify as either a landlord or a tenant. Accordingly, the "landlord" and "tenant" responses will be presented separately.

## Survey Responses

Survey responses are presented below following the same general structure as the survey: ending a tenancy, rent control, mobile homes, landlord and tenant responsibilities, residential tenancies office, short-term rentals, and other comments.

### Ending a tenancy:

Respondents were asked to select the reasons they believe that tenants and landlords should be able to end a tenancy in the Yukon. The options reflect common reasons to end a tenancy from other Canadian jurisdictions.

Feedback from participants on ending a tenancy:

"The power dynamic of landlord vs tenant is so vastly unfair. A starting place for correcting this would be a tenant being able to end a tenancy at any time for undisclosed reasons."

"The property belongs to the landlord, so they shouldn't have to prove a reason for ending tenancy. There should be means to review, to catch discrimination, but the landlord should be free to manage the property."

Highlights from the question: why should a landlord be able to end a tenancy in the Yukon?

(Table of full responses in Appendix 1)

Over 86% of landlord respondents to the survey agreed that landlords should be able to end a tenancy for landlord or landlord's family members' use, or purchaser's or

purchaser's family members' use. Only 31% of tenant respondents agreed that these were reasons that landlords should be able to end a tenancy.

Approximately 84% of landlord respondents to the survey agreed that landlords should be able to end a tenancy for major repairs or renovations. Only 34% of tenant respondents support this as a reason to end a tenancy.

The survey asked two further questions about ending tenancy for renovation or repair.

**B4. In situations where a landlord is ending a tenancy before the repairs and renovations begin, do you agree or disagree that the landlord should provide building permits to the Residential Tenancies Office to prove that the renovations or repairs require the tenant to leave the unit?**

	All respondents	Landlord respondents	Tenant respondents
Strongly disagree	22.25%	40.69%	6.86%
Disagree	13.31%	23.72%	2.29%
Neither agree nor disagree	6.76%	9.85%	3.66%
Agree	17.68%	15.69%	17.62%
Strongly agree	37.54%	7.12%	67.96%
Not sure	2.46%	2.92%	1.6%

**B5. In situations where a landlord needs a tenant to move out so they can do repairs or renovations, do you agree or disagree that the landlord should have to give the tenant an option to move back in after the repairs or renovations are complete at the same rent rate?**

B5	All respondents	Landlord respondents	Tenant respondents
Strongly disagree	20.99%	39.96%	5.03%
Disagree	16.62%	26.82%	4.58%
Neither agree nor disagree	9.15%	11.68%	7.09%
Agree	18.24%	13.87%	19.45%
Strongly agree	31.69%	5.11%	61.33%
Not sure	3.31%	2.55%	2.52%

Over eighty per cent (80%) of tenant respondents agreed that landlords should be able to evict a tenant for non-payment of rent, for breaching the tenancy agreement, or by mutual agreement of landlord and tenant.

## Other comments about landlords ending a tenancy

Three hundred and two (302) respondents chose to add an "other" reason why a landlord should be able to end a tenancy. Just under half of these comments confirmed that a landlord should be able to end a tenancy if the tenant breaks the rules laid out in the Act or tenancy agreement by providing specific examples for scenarios where a tenancy should end.

Approximately one quarter of the comments supported "without cause" evictions, articulated in ways such as "without cause with sufficient notice" and "for any reason. It is the landlord's property and investment."

Approximately half of the comments related to evictions for renovation or repair showed that many respondents were afraid that renovations or repairs as a reason to end a tenancy would lead to "renovictions" where the landlord ends a tenancy to re-rent the unit at a higher rate.

Further, many respondents differentiated between repairs that are necessary to the health and safety of the unit and renovations aimed at increasing the value of the unit. Respondents indicated that in the case of health and safety repairs, the tenant should be able to move back in at the same rental rate. They expressed concern that a renovation that might materially improve the space or amenities of a unit may require increased rent.

The remainder of comments covered the following topics:

1. The importance of a landlord being able to end a tenancy for the sale of a unit. This was supported by feedback from in-person sessions: "Not being able [to evict] to sell is a big issue."
2. Another reason for ending a tenancy is the end of a fixed term.
3. Other feedback included: specifying timelines, concern about tracking and enforcement, reasons a tenant may be able to end a tenancy and suggestions for definitions of a close family member.

Highlights from the question: why should tenants be able to end a tenancy in the Yukon?

(Table of full responses in Appendix 2)

Between 83% and 94% of all respondents agreed that the tenant should be able to end a tenancy in the Yukon for the following reasons:

- by simply giving the prescribed amount of notice;
- the tenant is experiencing domestic, sexual or family violence;
- the tenant needs to move into long-term care;
- the rental unit is not suitable to live in due to extreme events;
- the landlord fails to comply with a term of the Act or tenancy agreement; and
- by agreement between the landlord and tenant.

One hundred fifty-five (155) respondents added comments in the “other” section of this question. Approximately one-third specified that physical and psychological safety are the most important factors for tenants to be able to end a tenancy. Just under one-third of the comments supported that tenants should be able to end a tenancy for any reason with adequate notice.

The remainder of the comments in this section covered other topics including:

1. tenants ending a tenancy for financial reasons;
2. other reasons including major life events, medical care, non-coercive agreement, leaving the territory; and
3. reasons to end a tenancy should be the same for a tenant and landlord.

What is a reasonable amount of time for tenants to give notice to end a tenancy?

In a previous question in this section, 94% of respondents indicated that a tenant should be able to end a tenancy by simply giving a prescribed amount of notice. In a subsequent question, respondents were asked about what they consider to be “adequate notice”. All respondents to the survey answered this question and approximately half of respondents indicated that one month’s notice is adequate, as is

consistent with the current notice period. Approximately one third of responses were divided between two months and three months as being appropriate notice periods.

The remainder of responses were divided between:

1. Not sure;
2. Less than one month;
3. It depends on the situation;
4. Longer than three months; and
5. Same period of time as the landlord is able to provide for the end of a tenancy.

The Yukon Status of Women Council provided feedback from their work with people and NGOs experiencing housing precarity and homelessness in Whitehorse. The organization “recommends that in their review of the legislation, a clause be included in the new RLTA that allows for tenants to break a lease early because of safety reasons relating to family violence.”

Other comments about ending a tenancy

Five hundred and fifty-five (555) respondents to the survey elected to add a comment about the reasons to end a tenancy section.

Responses in this section relate to:

1. Requiring specific criteria for certain reasons to end a tenancy, and that there should be no coercion in the case of mutual agreement to end a tenancy.
2. There should be other considerations for ending a tenancy such as adequate notice, without cause evictions, and flexibility for specific circumstances.
3. Expanding the role of the RTO in ending a tenancy to ensure protections for both parties, adding penalties for breaching the Act or tenancy agreement, and quick timelines for decision.
4. Allowing tenancies to end if there is cause (the tenant or landlord has not followed a rule in the Act or tenancy agreement).

5. Other comments relating to the government increasing or decreasing regulation of the housing market, the impact of short-term rentals on the housing market, when rent increases should be allowed, restrictions on pets in rentals and the lack of housing availability in the territory.

Feedback from the Canadian Centre for Housing Rights highlighted the need to consider evictions as a last resort. “In particular, in order to meet international human rights standards, a household should only be evicted if all of the following are true: The eviction must have a legitimate objective. Eviction must be necessary to achieve the objective, and there must be no reasonable alternative. The consequences of eviction must be proportionate to the objective.”

## Rent Control:

The Yukon currently has a rent index based on the Consumer Price Index (CPI).

The allowable increase is adjusted annually based on the previous year’s inflation.

The index is capped at a maximum of 5% if the CPI for the previous year was over 5%, and a minimum of 2% if CPI for the previous year was less than 2%. A rent index was first introduced in 2021 and implemented in its current form in 2023.

There is currently no restriction on the amount that landlords may raise the rent if a tenant leaves a rental unit, and a new tenant starts a tenancy agreement.

Feedback from participants on rent control:

A participant noted that rent control can strongly influence tenant stability: “When I lived in a rent-controlled apartment, it was a nice place and affordable. I had security”.

A tenant also articulated the different experience of being a landlord or a tenant:

“Affordability of rentals, at the moment, is stressful for all income brackets. If you own several homes, you are in a different position.”

Landlord respondents articulated that “Consideration for increased property taxes, city utilities, and insurance are not accurately reflected in cost of living rental caps” and that “I agree with the inflation-based rent increase only if it is also sensitive to

factors such as the increase in mortgage rates, fuel/power and other location-specific costs that negatively affect a landlord’s ability to remain profitable.”

Response to questions rent control:

**C1a. Rent that increases at the same rate as inflation is fair to both landlords and tenants.**

	Total respondents	Landlord respondents	Tenant respondents
Strongly disagree	19.86%	22.63%	21.51%
Disagree	23.03%	17.34%	30.66%
Neither agree nor disagree	12.04%	10.95%	12.81%
Agree	28.8%	32.66%	20.59%
Strongly agree	12.61%	13.87%	10.98%
Not sure	3.66%	2.55%	3.43%

**C1b. If there's a 2% limit on rent increases for the year, a landlord should be allowed to raise a tenant's rent by more than 2% if the tenant's rent is lower than the average rent in the area when rent control begins.**

	Total respondents	Landlord respondents	Tenant respondents
Strongly disagree	28.52%	10.04%	51.03%
Disagree	20.99%	8.76%	29.06%
Neither agree nor disagree	7.89%	8.94%	5.95%
Agree	21.48%	34.31%	9.15%
Strongly agree	17.75%	34.67%	2.06%
Not sure	3.38%	3.28%	2.75%

**C2. Do you agree or disagree that if there is a rent cap in place, landlords should be able to increase a tenant’s rent above the rent cap to help cover the cost of repairs and renovations?**

	Total respondents	Landlord respondents	Tenant respondents
Strongly disagree	21.27%	5.66%	39.13%
Disagree	21.48%	11.13%	30.21%
Neither agree nor disagree	9.08%	10.04%	8.7%
Agree	22.68%	32.12%	13.27%
Strongly agree	20.56%	38.32%	2.97%
Not sure	4.93%	2.74%	5.72%

**C3. Do you agree or disagree that landlords should be able to increase rent for a new tenant to whatever rate they think is reasonable?**

	Total respondents	Landlord respondents	Tenant respondents
Strongly disagree	26.34%	6.02%	47.14%
Disagree	15.92%	4.93%	26.09%
Neither agree nor disagree	4.58%	3.28%	5.03%
Agree	21.83%	27.55%	13.96%
Strongly agree	29.58%	57.66%	5.95%
Not sure	1.76%	0.55%	1.83%

**Other comments on rent control**

Six hundred and twenty-four (624) respondents added additional information in the “other comments about rent control” section. These responses focused on support for, or concerns with rent control; details of how to implement rent control; concerns about exceptions for renovations or repairs; other comments (about housing supply or further research required); and enforcement.

Approximately one third of respondents supported some kind of rent control. Less than one third of respondents to this section were against any kind of rent control.

The remainder of respondents focused on concerns that costs related to renovations and repairs could be used to circumvent rent control, and other concerns such as the lack of housing supply in the territory.

Approximately half of respondents that supported some kind of rent control supported a Consumer Price Index based rent control. The remainder of respondents that supported some kind of rent control suggested ways the Government of Yukon could determine rent control and how it should be applied, for example:

1. rent control should be linked to industry costs;
2. rent control should linked to the size of the unit;
3. rent control should be limited to the rent cap in between tenancies;
4. that rent control should not apply in between tenancies; and



5. rent control should be linked to the amount that a tenant can pay (based on wage increases for example).

Meetings with the Yukon Residential Landlord Association included feedback that “electricity, fuel, insurance, mortgage, and interest rates should all be included in any rent control because they are outside the control of the landlord.”

## Mobile Homes

Of the 1420 respondents who completed the survey, 589 opted to answer six questions about mobile home site tenancies.

Feedback from participants about mobile home site tenancies:  
Respondents highlighted the difficulty in moving a mobile home and how that should be reflected in the rules around mobile home site tenancies:

“Prescribed amount of notice should be consistent with the particular difficulties faced when moving a mobile unit.”

“I think notice should be longer for mobile home sites since it is more work to find other suitable tenants as it requires someone to move a dwelling onto the site.”

“It’s difficult to move a mobile home. If an owner wants to move the mobile home off the site, they should be able to move when they have the opportunity.”

Highlights from the question: For which reasons should a landlord be able to end a tenancy for a mobile home site?

(Table of full response in Appendix 3)

Between 84% and 86% of all respondents to this section agreed that the landlord of a mobile home site should be able to end a tenancy because the tenant has not paid rent; the tenant has not complied with the Act or tenancy agreement; or by mutual agreement of the landlord and tenant. 53% of respondents agreed that it is reasonable

to end a tenancy of a mobile home site if employment ends and housing was a condition of employment.

For the remaining reasons suggested in the question (the landlord's or family member's use, for the purchaser's or family member's use, for conversion to another use or, for major renovations or repairs to the mobile home site) fewer than 43% of respondents agreed that these were reasons to end a tenancy for a mobile home site.

In the "other" section, 52 respondents contributed other reasons that a landlord could end a tenancy. Just over half of the comments qualified the reasons listed requesting long notice periods and options for mediation because mobile homes sites are a unique type of tenancy and reiterated that evictions for cause should be allowed and listed specific examples.

The remainder of the comments touched on other topics, including:

1. poor maintenance by a mobile homeowner should be grounds for eviction;
2. support for without-cause evictions;
3. evictions should be considered in the case of sale and natural disasters; and
4. fines should be considered an alternative to eviction.

Highlights from the question: For which reasons should a tenant be able to end a tenancy of a mobile home site?

(Table of full response in Appendix 4)

Over 80% of all respondents to this question supported a tenant ending a tenancy for a mobile home site for the following reasons:

- by giving a prescribed amount of notice;
- the tenant is moving into long-term care;
- the mobile home site is not suitable to live in;
- the landlord fails to comply with the Act or tenancy agreement; or,
- by mutual agreement of the landlord and tenant.

75% of all respondents to this question agreed that a tenant should be able to end a tenancy if they are experiencing domestic, sexual, or family violence.

In the “other” section, 47 respondents contributed other reasons that a tenant could end a tenancy. Approximately one third of comments reiterated that tenants should be able to end a mobile home site tenancy with a prescribed amount of notice. Of these, approximately one third of comments supported longer notice periods for mobile home sites. These comments were supported by a few other comments that noted that many mobile homes are not mobile.

Further comments in this section requested consideration for tenants leaving the territory, family, or personal circumstances, because the tenant or landlord has broken a rule in the Act or tenancy agreement, and domestic or family violence.

#### Rent caps and mobile homes

Over 50% of all respondents agreed or strongly agreed that rent control for mobile home sites should be tied to CPI. Less than one third of respondents agreed that rent control for mobile home sites should be connected to market prices.

#### D4a. Mobile home site rent should only go up based on the Consumer Price Index from the previous year.

	All respondents	Landlord Respondents	Tenant Respondents
Strongly disagree	14.77%	20.92%	15.76%
Disagree	14.94%	18.95%	14.13%
Neither agree nor disagree	13.41%	10.46%	16.3%
Agree	30.56%	29.41%	28.26%
Strongly agree	20.2%	16.34%	19.57%
Not sure	6.11%	3.92%	5.98%

D4b. The increase in rent for mobile home sites should be connected to the ongoing market price for renting a site for a mobile home.

	All respondents	Landlord Respondents	Tenant Respondents
Strongly disagree	22.75%	25.49%	26.09%
Disagree	22.41%	14.38%	24.46%
Neither agree nor disagree	16.81%	11.11%	14.13%
Agree	26.15%	33.99%	22.83%
Strongly agree	5.09%	11.11%	3.26%
Not sure	6.79%	3.92%	9.24%

Landlords providing warning before deciding to end a tenancy

Over 85% of all respondents agreed or strongly agreed that landlords should give mobile home park tenants a warning and an opportunity to correct any issues before ending a tenancy.

D5. Do you agree or disagree that the landlord must always give mobile home park tenants a warning and a chance to fix any issues before deciding to end the tenancy for any reason?

	All respondents	Landlord Respondents	Tenant Respondents
Strongly disagree	4.58%	8.5%	3.26%
Disagree	3.4%	5.23%	2.17%
Neither agree nor disagree	2.72%	2.6%1	3.26%
Agree	28.35%	41.18%	18.48%
Strongly agree	59.08%	41.83%	71.2%
Not sure	1.87%	0.65%	1.63%

Other comments on mobile home site tenancies:

One hundred and eighty-six (186) respondents added comments under the “other comments about mobile home site tenancies” section of the survey. Of those, five or less requested increased regulation or a distinct Act to govern mobile home site tenancies.

Approximately half of the comments were about rent control and security of tenure. Rent control comments were generally in favour of limiting rent increase for mobile home sites. Security of tenure comments focused on limiting change in use evictions

for mobile home parks as well as increased notice periods to account for the difficulty in moving mobile homes.

The remainder of comments in this section relate to:

1. consideration of mobile-home land use, and the unique nature of mobile home site tenancies;
2. improved maintenance in mobile home parks; and
3. consideration of extended notice periods given the difficulties in moving a mobile home from its site and the limited options for a new site.

Several respondents emphasized that mobile home site tenancies are distinct from other residential tenancies and need rules that are specific for mobile home parks:

“I would like to see particular sensitivity to the position of mobile homeowners, without ignoring the needs of the landowners to properly defend and manage their own rights and responsibilities for the property.”

Other respondents commented that they were unclear why mobile homes are treated differently than other residential rentals. Several of these comments articulated that they were considering renting a mobile home, and not directly involved in the rental of the mobile home site.

## Landlord and tenant responsibilities

Questions in this section addressed topics including whether rules should differ for different landlords based on the number of rental units they own, about a rental registry to gather Yukon specific market data, and considerations for roommate tenancies. One thousand two hundred and one (1201) respondents opted to answer questions in this section.

## Rental registry

E2. Do you agree or disagree that a keeping a record of details like the current and past rent for a unit in a rental registry would be a useful method to gather specific market data for Yukon? This information could then be used to make informed decisions about rent control policies in Yukon.

	All respondents	Landlord Respondents	Tenant Respondents
Strongly disagree	15.07%	28.88%	2.09%
Disagree	11.74%	20.47%	3.4%
Neither agree nor disagree	10.24%	15.52%	7.85%
Agree	29.23%	21.98%	31.94%
Strongly agree	30.14%	8.41%	50.79%
Not sure	3.58%	4.74%	3.93%

## Rules dependent on number of rental units

E3. Do you agree or disagree that the rules can vary for landlords based on the number of their rental properties? For example, landlords with fewer than 4 units should face fewer restrictions compared to those with 4 or more units.

	All respondents	Landlord Respondents	Tenant Respondents
Strongly disagree	20.98%	16.81%	28.01%
Disagree	21.98%	17.67%	23.56%
Neither agree nor disagree	14.74%	16.81%	13.87%
Agree	23.23%	23.92%	22.25%
Strongly agree	13.07%	18.53%	6.81%
Not sure	6%	6.25%	5.5%

## Landlord and tenant sharing landlord's home

E4. Do you agree or disagree that if a landlord and tenant share a home, they should both have rights and obligations under the Act and the option to go to the Residential Tenancies Office to report issues?

	All respondents	Landlord Respondents	Tenant Respondents
Strongly disagree	11.99%	21.34%	4.71%
Disagree	9.74%	15.09%	3.4%
Neither agree nor disagree	8.83%	11.64%	6.02%
Agree	38.05%	36.64%	39.53%
Strongly agree	25.65%	8.62%	42.41%
Not sure	5.75%	6.68%	3.93%

## Where the roommates are non-dependent adults who share a home

**E5a. In any tenancy agreement, all adult, non-dependent residents should be listed in a tenancy agreement.**

	All respondents	Landlord Respondents	Tenant Respondents
Strongly disagree	5.91%	8.41%	3.66%
Disagree	10.82%	8.62%	11.78%
Neither agree nor disagree	13.24%	9.48%	19.63%
Agree	39.13%	42.24%	35.86%
Strongly agree	26.39%	27.16%	26.44%
Not sure	4.5%	4.09%	2.62%

**E5b. In a tenancy agreement, one tenant can hold the tenancy agreement and have sub-agreements with other adult non-dependent residents who share the home but are not listed in the tenancy agreement.**

	All respondents	Landlord Respondents	Tenant Respondents
Strongly disagree	18.65%	30.82%	8.12%
Disagree	24.98%	28.45%	18.85%
Neither agree nor disagree	15.15%	13.36%	17.02%
Agree	26.64%	18.97%	37.7%
Strongly agree	9.08%	5.17%	12.3%
Not sure	5.5%	3.23%	6.02%

## Other comments on landlord and tenant responsibilities

Two hundred and ninety-two (292) respondents added comments to the “other” section of the survey. Over half commented on roommate-related considerations, including:

- that landlord consent should be required for subletting;
- if the landlord is sharing a home with a tenant, there needs to be flexibility to ending that tenancy;
- there needs to be flexibility to allow for the informality and complexity of roommate situations; and,
- that all renters (including roommates and those sharing a home with their landlord) need security and safety in housing.

The remainder of comments touched on other topics, for example:

1. Stories of lived experience of housing situations going wrong because the roles and responsibilities for each party were not followed or understood.
2. Suggestions for the distinction based on whether the rental unit was on the same property as the landlord’s primary residence. Respondents articulated that these types of rentals may require different rules than rental units that are separate from the landlord’s primary residence.
3. Requests for minimum rental standards.
4. The rental registry. Comments were divided between concern about privacy and administrative burden and a desire for more data and more informed decision making.

The Yukon Anti-Poverty Coalition believes that the *Residential Landlord and Tenant Act* needs to clearly be based in the concept of housing as a human right. YAPC “appreciate[s] that the Act is meant to ensure a good relationship between landlords and tenants and are also very aware that there is a power imbalance between tenants and landlords baked into the relationship. Landlords are bringing an asset to the table while tenants are relying on the landlord to provide them with a home”

## Residential Tenancies Office

Nine hundred and forty-six (946) respondents to the survey filled out questions relating to the Residential Tenancies Office (RTO).

### Email service of documents

F2. Do you agree or disagree that the Residential Landlord and Tenant Act should include a means for the email service of documents?

	All respondents	Landlord respondents	Tenant respondents
Strongly disagree	3.91%	3.44%	2.91%
Disagree	5.39%	2.65%	9.82%
Neither agree nor disagree	5.39%	5.03%	5.45%
Agree	38.79%	39.95%	41.45%
Strongly agree	43.55%	47.09%	37.82%
Not sure	2.96%	1.85%	2.55%

Other comments on the Residential Tenancies Office

Two hundred and seventy-seven (277) respondents chose to add a comment about this section of the survey.

Over one third of comments discussed email service with comments ranging from support to concern that some people will not be able to access email and there may be issues on whether it is received by the other party.

Other comments in this section covered the following topics:

- 1. focus on keeping RTO timelines short, especially after amendments to the Act;
- 2. support for an expanded or new service to provide advice and support;
- 3. suggestions for RTO staff training;
- 4. whether or not the RTO is a neutral body. Comments are divided on which party is favoured; and
- 5. comments on other jurisdictions, the review/appeal process, requests to make the RTO decisions public, and other comments on the rent cap and evictions.

Short-Term Rentals

One thousand one hundred and thirty-nine (1139) respondents chose to answer the questions in the survey about short-term rentals. These respondents are self-selected and not representative of the Yukon population. It is likely that the primary interest of Yukoners who chose to complete a questionnaire on the *Residential Landlord and Tenant Act* review were primarily interested in long-term rentals. The results of this question should be considered through this lens.

G2. Do you think that the Yukon should have regulations about how short-term rentals operate?			
	All respondents	Landlord respondents	Tenant respondents
Yes	66.81%	40.7%	88.76%
No	24.58%	45.58%	5.76%
Not sure	8.6%	13.72%	5.48%



G3. Are you concerned about short-term rentals in your community?			
	All respondents	Landlord respondents	Tenant respondents
Yes	51.54%	26.98%	74.93%
No	39.51%	63.49%	14.99%
Not sure	8.96%	9.53%	10.09%

### Comments on short-term rentals

Seven hundred and ninety (790) respondents added a comment to this section of the survey. Just under two-thirds of these commenters supported regulation in some capacity. The most common reason provided was concern about the supply of long-term rental units in the community, while others were concerned about the livability of neighbourhoods and not knowing their neighbours. Comments in support of regulation also noted that short-term rentals may need to be taxed differently than other residential properties.

The remainder of comments were divided between concerns with regulation and considerations or caveats to consider if regulation is pursued. Considerations for regulation highlighted that short-term rentals fulfill a need for tourism, visitor accommodation and temporary accommodation for workers coming to the Yukon for shorter periods.

Concerns with regulation highlighted that regulation would inhibit business, that short-term rentals are adequately structured by online platforms, or that municipalities are the more appropriate level of government to regulate short-term rentals.

### Other comments on the *Residential Landlord and Tenant Act* review

Five hundred and thirty-nine (539) respondents added additional information to the closing comment section. Comments touched on the following topics: (Topic 1 received the most comments.)

1. Rent control: Comments were divided between requests for additional rent control parameters and no rent control.
2. Ending a tenancy: Comments were primarily about no cause evictions: divided between requests for no cause evictions, requests for no cause evictions with long notice periods, and examples of the detrimental impact of no cause evictions. Other comments noted reasons that a tenancy may end for cause, requested that sale of a unit be included as a reason to end a tenancy and that there should be additional considerations for ending a tenancy if a landlord and tenant share a property.
3. “Balanced” legislation: Comments on this topic were divided as to whether balance would be achieved by making stricter rules for tenants or landlords.
4. Fewer regulations: Comments on this topic articulated that the market should adequately address rental housing.
5. Residential Tenancies Office: Comments on this topic included support for more education and support, unbiased decision making and cautions against making changes that would increase timelines at the Residential Tenancies Office.
6. Data: Comments on this topic supported a rent registry, a business registry for rental properties and suggested topics for additional data collection.
7. Rights and responsibilities: Most of the comments on this topic requested the Government of Yukon use a rights-based lens to amend this legislation.
8. Education and support<sup>1</sup>: Comments on this topic requested various ways to increase education tools for tenants and landlords, improved services for individuals having difficulty maintaining housing, and connections with services outside government.
9. Short-term rentals: Comment on this topic mostly requested regulating short-term rentals although some comments requested no regulation.

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<sup>1</sup> This topic suggests changes to education and support that do not directly require changes to the Residential Tenancies Office (topic 5).

The remaining topics received were mentioned by fewer than fifteen respondents:

Clarity of the Act, different rules for the number of units owned, survey and engagement improvements, allowing pets, the Temporary Landlord Assistance Program, more housing development, deposits, mobile homes, quick movement on changes to the legislation, considerations for roommates, requests for the status quo, specific people or places, social housing policies, and criticism of capitalism.

## Public Engagement What We Heard

The following section contains a What We Heard report by the independent consultants who led the solutions lab and the public in-person sessions in Dawson City, Haines Junction, Watson Lake, and Whitehorse.





# Public Engagement What We Heard

Yukon Residential Landlord and Tenant Act Review

March 2024

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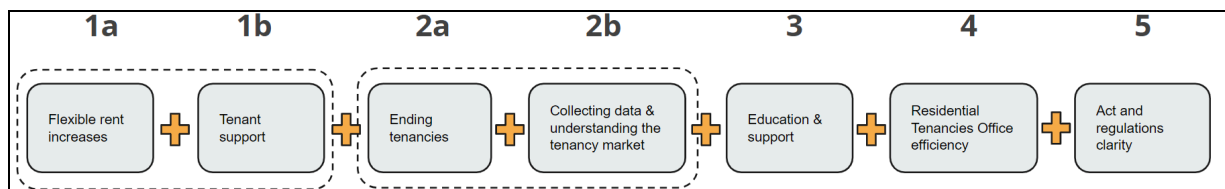
## Table of Contents

<b>Overview</b>	<b>2</b>
<b>This What We Heard Document</b>	<b>3</b>
<b>Idea 1a) Flexible Rent increases</b>	<b>3</b>
What the Solutions Lab generated	3
How members of the public reacted and what they contributed	4
<b>Idea 1b) Tenant Supports</b>	<b>5</b>
What the Solutions Lab generated	5
How members of the public reacted and what they contributed	5
<b>Idea 2a) Ending Tenancies</b>	<b>6</b>
What the Solutions Lab generated	6
How members of the public reacted and what they contributed	6
<b>Idea 2b) Collecting Data and Understanding the Tenancy Market</b>	<b>8</b>
What the Solutions Lab generated	8
How members of the public reacted and what they contributed	9
<b>Idea 3 Education and Support</b>	<b>10</b>
What the Solutions Lab generated	10
How members of the public reacted and what they contributed	10
<b>Idea 4 Residential Tenancies Office Efficiencies</b>	<b>12</b>
What the Solutions Lab generated	12
How members of the public reacted and what they contributed	12
<b>Idea 5 Act and Regulations Clarity</b>	<b>14</b>
What the Solutions Lab generated	14
How members of the public reacted and what they contributed	14
<b>Other considerations that emerged from the public engagement</b>	<b>16</b>
Available housing stock	16
Decision-makers	16
The role of government and the role of the free market	16
Power	17
Hard-to-house	17
Incentivize rental housing	18
Short-term rentals	18
Rooms	19
Trailer Park Landlords	19
Tenancy as a relationship	19
Clarity and capacity to understand	19
Yukon First Nations	20
Municipalities	20
Unhealthy narratives	20
Philosophical questions	21

## Overview

The Government of Yukon (YG) launched a review of the [Yukon Residential Landlord and Tenant Act](#) (RLTA) in 2023 spanning into 2024, with the intent of delivering updated legislation during the spring of 2025.

During the fall of 2023, 11 citizens ranging from a diversity of perspectives participated in an intensive 17 meeting / 2-month ‘Solutions Lab’ and [generated a series of ideas](#) to support a public engagement process during February, 2024.



In addition to an online survey created by YG, a team of independent consultants - who also facilitated the Solutions Lab - hosted a series of in-person public and stakeholder engagement discussions. The objective was to share and improve the Solutions Lab ideas.

<p><b>Public engagement events</b></p>	<ul style="list-style-type: none"> <li>● Haines Junction, February 5</li> <li>● Whitehorse, February 6, 19 and 20</li> <li>● Watson Lake, February 12</li> <li>● Dawson City, February 15</li> </ul>
<p><b>Government staff meetings</b></p>	<ul style="list-style-type: none"> <li>● Champagne and Aishihik First Nations, February 5</li> <li>● Village of Haines Junction, February 5</li> <li>● Town of Watson Lake, February 12</li> <li>● Town of Dawson City, February 14</li> <li>● Tr'ondëk Hwëch'in First Nation, February 15</li> <li>● City of Whitehorse, February 16</li> </ul>
<p><b>Various stakeholder engagement meetings between February 6 and 20</b></p>	<ul style="list-style-type: none"> <li>● Betty's Haven</li> <li>● Blood Ties Four Directions</li> <li>● Council of Yukon First Nations</li> <li>● Dawson City Chamber of Commerce</li> <li>● Klondike Development Organization</li> <li>● Safe at Home Society</li> <li>● Yukon Aboriginal Women's Council</li> <li>● Yukon Anti Poverty Coalition</li> <li>● Yukon Real Estate Association</li> <li>● Yukon Residential Landlord Association</li> <li>● Yukon Status of Women Council</li> <li>● Yukon Women's Coalition</li> </ul>

## This What We Heard Document

The following is a synthesis of feedback from the various public engagement activities with an attempt to identify patterns while also highlighting 'outliers'. This document should not be considered a 'vote' or attempt at any form of consensus. Rather, it represents the intelligence and insights of the public to feed into and strengthen YG's review of the RLTA.

This document will follow the 7 ideas generated by the Solutions Lab by first articulating the idea followed by public engagement feedback. The final section includes other public considerations beyond the Solutions Lab ideas.

## Idea 1a) Flexible Rent increases

### What the Solutions Lab generated<sup>1</sup>

**#1A Problem: In the Yukon, tenants face a shortage of residential rental units and increasing rent prices. For landlords, rising expenses and reduced control over rent to cover their costs are causing many to leave the market, which further reduces available rentals.**

**Idea! Index and stabilize rent increases while allowing for adjustments to market conditions**

1. Create a Yukon industry index specific to residential rent (e.g., based on local housing costs and market rate). Enable rent increases up to the industry index. Only recommended with Solution 1b.
2. Currently, the financial terms and occupancy terms of a tenancy agreement are tightly connected. We propose separating those two ideas to increase the flexibility of landlords and tenants to find arrangements that work for them. For example, both parties may agree to a rental rate term (e.g., 2-10 years) and a fixed rent increase (this rental rate term is not the term of the tenancy agreement). At the end of the agreed-upon finance period, a new base rent rate can be renegotiated, up to the market rate (see Appendix C). Only recommended with Solution 1b.
3. Enable rent increases to exceed the industry index if both landlord and tenant agree and understand the terms. Only recommended with Solution 1b.

<sup>1</sup> Note: This What We Heard does not include the "Food for Future Thought" content generated for each idea by the Solutions Lab

## How members of the public reacted and what they contributed

- Minimum rent increases are possible so long as there is an option for landlords to catch up to the market rate
  - *"As a landlord, I am worried because I kept my rent low to keep a good tenant. Now I am stuck and need to do upgrades"*
  - *"I am a landlord and I upped my rent under rent control out of fear, not need"*
- Many tenants are finding rent costs high
  - *"How do we set rents that are affordable and accountable?"*
  - *"Tenants are facing rapidly increasing rents. How do we address that?"*
  - *"Affordability of rentals is stressful for all income brackets"*
- Could the RTO or another body make an assessment on how much rent may increase based on market value?
- Support for the flexibility in allowing both parties to agree to tenancy agreement terms
- Likes the idea of greater responsiveness to cost flux (e.g. insurance)
- Seems overly complicated and might be a disincentive to prospective landlords
- The proposed term to re-negotiate the rent amount might need a shorter window than 10 years
- What about the equivalent of a 'utility review board' for rental increases that balance public and private interests?
- Maybe there could be a trust or public insurance scheme for landlords to pay into and potentially access if costs spike?
- Better than current CPI as that index a one year behind which is currently a problem given the dynamic nature of the market
- Many landlords want simplicity
- Is rent control a moot point for illegal suites or where there is no tenancy agreement?
- Must be based on relevant data - assuming CPI isn't relevant - could the index be based on actual 'business expenses', and would this require landlords to open up their books and be transparent?
- Rent increase should reflect mortgage interest rate increase
- Support for the idea of decoupling occupation from rent

## Idea 1b) Tenant Supports

### What the Solutions Lab generated

**#1B Problem:** In the Yukon, tenants face a shortage of residential rental units and increasing rent prices. Rising rents can outpace wage growth and spike quickly compelling tenants to leave good rental situations.

**Idea!** Increase support and flexibility for tenants in need to afford rent at the market rate.

1. Create a new rental assistance program that subsidizes tenants in need to meet their monthly income payments at the market rate. Conditions may apply, for example, tenants must be residents of the Yukon for at least 1 year.

### How members of the public reacted and what they contributed

- Any new program should flow directly to the tenant so that tenants are empowered, and not landlords
- How would this work with landlords who received public subsidies to create affordable housing? The programs would need to sync with each other
- Likes this idea because it incentivizes a landlord to keep good tenants
- Would this not just be a re-circulation of tax dollars?
- Any tenant support program should also be indexed to real costs changes
- Housing should not cost more than 30% of income, the rest should be supported
- Consider subsidizing rent through direct payments to tenants on an income-tested basis through refundable tax credits; this could be executed through the federal government's income tax reporting process and should be geared to income - this should be impact neutral on housing stock development versus rent caps generally

## Idea 2a) Ending Tenancies

### What the Solutions Lab generated

**#2A Problem:** Landlords and tenants have limited flexibility in ending tenancies, leading to tension and conflict. In particular, the inability for landlords to manage risk and costs causes some to leave the rental market (reducing supply), or resort to unlawful terminations of tenancies.

**Idea!** *Simplify tenancy arrangements and promote long-term planning and communication.*

1. Enable landlords to end tenancies with appropriate notice (subject to the Act or changes to it), including giving notice to sell. There may need to be consideration of exceptions when ending a tenancy without cause should be restricted (e.g., major life event). Only recommended with Idea 2b.
2. Enable landlords and tenants to renew tenancy terms with appropriate notice (subject to the Act or changes to it, e.g., see iii).
3. Enable flexible notice periods to end tenancies that are market-based (e.g., like the wildfire risk rating). For example, if the market supply is limited, require longer notice periods.
4. Consider a 24-hour decision grace period when tenants sign a new tenancy agreement as long as it doesn't enter into the occupancy period.
5. Enable tenants to move back in after renovations or repairs.
6. Allow for additional deposits including those for pets, fuel, and furniture damage.

### How members of the public reacted and what they contributed

- Seen as an important incentive for landlords to take the risk of creating and maintaining a rental unit because control of asset matters:
  - *"For me, this is a dealbreaker. Without it I may take my money out of the rental market and into something more passive"*
  - *"I believe I am a good landlord. I want to be kind, but I need to know I ultimately have control of the asset I am responsible for. I can be flexible, but with loss of control I will be more rigid, which will compromise the tenancy relationship"*
- For "major life event", the key is timing and criteria
- There needs to be greater clarity and expediency to end a tenancy when an emergency eviction is needed, especially if the tenant is in the landlords own home

- The flexible notice period idea (i.e. fire rating model) feels chunky, and may disincentivize rental stock
- 24-hour decision grace period: why not for both the tenant and landlord
- 24-hour grace period can really kill the momentum of a landlord filling a unit, and not clear it really solves a problem
- Problematic in a market of scarcity; will this work in practice for tenants?
- Landlords also need to do their work on finding a good tenant: buyer-beware
- Landlords should retain the ability to sell
- Providing the flexibility for both parties to agree to change the terms of tenancy agreement is good because people like flexibility and don't like to feel constrained
- How about adding additional deposit if a partner moves in after the tenancy agreement is signed?
- Antiquated to even consider no-cause evictions compared to the rest of Canada
- In a multi-residence building or trailer-park, it can be important to evict because one tenant can have a negative impact on other tenants
- Important to many landlords when there is an emergency; 14 days can be too long
- Some landlords have moved to weekly fixed tenancies so they can evict if needed
- Renovations: track the value of renovations, give tenants the first right of refusal with a new date and price set before move out
- Ability to end a tenancy when selling a house is important to a landlord
- No perpetual tenancy agreements, there must be a term end
- Need to clarify what can people be evicted for
- Concerns raised about people being evicted because of discrimination

## Idea 2b) Collecting Data and Understanding the Tenancy Market

### What the Solutions Lab generated

**#2B Problem:** There are gaps in our understanding about the residential tenancy market in the Yukon including the current number of tenancies, the parties to them, and how they terminate, hampering the ability of landlords, tenants, and policy-makers to make informed decisions.

***Idea!*** Understand the residential rental market comprehensively by collecting the terms of a tenancy.

1. Create a simple registry of tenancy agreements where landlords and tenants file their agreement with a neutral third party that is empowered to track and report on market data. There should be exemptions for businesses providing housing for their employees (s.54 of the RLTA) to avoid burden. Organizations providing housing for clients also require exemptions. The registry can be used to establish market rate but has other benefits, including:
  - a. Resolution of Disputes: In the event of a dispute between landlords and tenants, a tenancy registry can serve as a neutral and reliable source of information that can help resolve disputes more efficiently. Addenda to tenancy agreements should also be filed.
  - b. Market Insights: Data from a tenancy registry can be used to gain insights into the rental market, such as rental price trends, vacancy rates, why tenancies end, and the overall health of the housing market. This information can be valuable for policy-makers and researchers.
  - c. Public Health Benefits: A tenancy registry can help public health agencies identify tenant supports and respond to issues related to substandard housing and environmental hazards that can affect residents' health.
  - d. Improved Housing Quality: Landlords may be more inclined to maintain their properties in good condition if they know that their records are being tracked. This can lead to overall improvements in the quality and safety of rental housing.
  - e. Transparency and Accountability: Identify tenants and landlords that have persistent issues. Provide targeted support.
  - f. Better data will correct the narrative about landlords and tenants with a new narrative that is grounded in data.

## How members of the public reacted and what they contributed

- Consider the use of incentives; create an opt-in or opt-out mechanism
- Some distrust government's use of data
- Clarify what data would be capture, how, and for what use
- Generalized data should be public
- Data privacy is paramount
- Do we know how much capital is being invested into rental stock?
- Why not make data contributions voluntary?
- How would ATIPP (Access to Information Protection and Privacy) apply?
- Are there other sources of data?
- Can we better make use of the Yukon Bureau of Statistics that already collects data?
- There needs to be clarity on why data is being collected, it can't be punitive
- Some tenancy agreements have too much information, like SIN number
- A standard tenancy agreement would be required for a registry, but not everyone wants to use a standard tenancy agreement template
- The registry might be a big burden for a small landlord
- What would happen in the event of non-legal suites being rented? The unintended consequence might be a decrease in units
- Consider a mixed model, with carrots and sticks, and track repeat offenders
- Registry: how to ensure people are not black-listed, especially the hard-to-house?
- Is there a new way to collect and analyze data before legislation is created?
- Qualitative data might be a privacy concern
- Before the legislation is in place, government needs to figure a mechanism to track the number and trend of rentals on the market
- Data should be made public to help the market understand what is 'average' or 'median'

## Idea 3 Education and Support

### What the Solutions Lab generated

**#3 Problem:** When issues are brought to the RTO, it is predominantly due to a breakdown in relationship between landlord and tenant. A high proportion of conflicts between landlords and tenants could be resolved before they get to the RTO.

***Idea!*** Increase education and support for landlords and tenants to resolve issues.

1. Create a Landlord and Tenant Support Office to provide the following supports to landlords and tenants:
  - a. Help educate landlords to improve their units for health and safety and on where to access funding for improvements.
  - b. Advise tenants and landlords on the rights, responsibilities, and process-orientation for RTO.
  - c. Mediate conflict pre-RTO or when a case cannot go to RTO.
  - d. General education and outreach.
  - e. Where there are viable but not code-conforming units, work with landlords and tenants directly to identify health concerns.
  - f. The intent of this office is to improve the overall quality of units and not to decrease the overall stock.

### How members of the public reacted and what they contributed

- Unanimous support for idea of a pre-RTO office that is not a decision-making body and there to support both tenants and landlords
- Model, could be within or outside of government so long as the mandate is clear
- Education is crucial: show people what it means to be a 'good' tenant and landlord
- Must be staffed by knowledgeable people
- Consider the health model of 'wrap-around' services
- Similar to a family court model, where the last step is to be in front of a judge (RTO)
- Should support lower literacy needs
- Will it be bricks and mortar? Digital? A roving service like 'Service Canada'?
- Good idea to compliment the RTO, which cannot advise
- NGO model less-costly but might be biased, need skilled people like Legal Aid model
- Ontario's equivalent has good mediation and case-management

- Follow the taxi-education model for landlords where participants get an incentive
- Education should be based on the foundation of a relationship
- How would this new office interface with existing NGO service-providers?
- Include para-legal expertise which would be highly beneficial
- Importance of trauma-informed staff
- Services should be wrap-around
- Education: many people need to learn how to be a good landlord or tenant
- Perhaps this new entity could hold deposits in trust to ensure both parties complete their responsibilities and it is rightfully returned?
- There needs to be someone who advocates for tenant rights especially when tenants are scared of being evicted with limited options
- A valuable service would be a system navigator
- Support office would likely need to operate outside of Monday-Friday, 9-5
- We have many people coming from other provinces where the rules are different
- Mediation would be very helpful
- We know people like visual; use platforms like YouTube to share information
- Concern was raised that this service would be Whitehorse-centric, and that support should also reflect community needs

## Idea 4 Residential Tenancies Office Efficiencies

### What the Solutions Lab generated

**#4 Problem:** There is frustration and confusion about the perceived lack of transparency, capacity, lengthy adjudications, and process clarity at the RTO.

**Idea!** Support the RTO in its work to be more accountable, transparent, and efficient

1. Streamline the application process and create transparency through a user dashboard that identifies progress, next steps, etc.
2. Have an effective intake management system, including enforcing the intake fee.
3. Once a decision is collected there needs to be support for the landlord and/or the tenant to help navigate the next phase and necessary processes should parties resist taking responsibility (could be the Landlord and Tenant Support Office).

### How members of the public reacted and what they contributed

- RTO needs to use simple and clear language that includes impacts: “I’m sorry, you will be evicted, and here is what this means”
- RTO is designed to be complaint-driven, so not designed to answer questions or provide advice (and therefore, support for Idea #3)
- The name is confusing: call it what it is, a ‘tribunal’
- We need an effective RTO; we can’t get into the situation of Ontario where some tenants are holding landlords for ransom through ‘cash for keys’ due to the backlog of their tribunal system
- Some have had unhelpful experiences at the RTO where a decision is made but there is no support beyond the decision
- Some feel some RTO staff are under trained given the quasi-judicial nature of the RTO
- Slow appeal process is negative for all parties
- Is there a way to report bad actors?
- Non-Whitehorse communities don’t have easy access to a sheriff which makes the implementation of evictions a challenge
- During an RTO process, unclear if or how a rebuttal was possible
- RTO process can be very onerous and unbalanced if one side can afford a lawyer

- It would be helpful to produce some mock scenarios for potential RTO applicants to see in advance to help them understand what-to-possibly-expect
- Yes, there is a gap post RTO-decision as there was still conflict and both parties were uncertain how to proceed
- Similar to the hospital or university, there should be a First Nations support role
- RTO needs to better acknowledge when the fee is paid
- Experience of RTO not being able to move fast enough when there is an emergency and need to remove a tenant who is displaying unsafe behaviors
- Burden of proof is complicated: what happens if somebody lies?
- Felt RTO process amplified the conflict between parties which was unhelpful
- Concern when only one RTO staff person adjudicates a case
- The in-take process needs to be right-sized to the problem; i.e. broken window versus physical safety
- Give parties 'off-ramps' so things don't necessarily have to escalate
- Create process pressure release valves so things don't amp up
- Allow more restorative justice options
- Address gaps: hotels / motels, rooms, short-term rentals, trailer-parks and instances where a tenant provides the land and the tenant, the temporary dwelling (RV & tent)
- Importance of trauma-informed staff
- It wasn't until after my RTO experience that I understand the RTO could not advocate for tenants
- Can the RTO be better empowered to enforce actual decisions?
- As our population grows and the rental accommodation sector remains dynamic, there will be more demand on the RTO which means it needs to be resourced well and ensure staff don't burnout, for their wellbeing, corporate memory, continuity and expertise
- What happens if the tenant causes more damage than the deposit covers?
- Ensure clarity and consistency between Act and supporting documents like RLTA handbook
- Keep the rules simple so RTO can effectively deal with damaged relationships instead of complicating or lengthening 'the divorce'
- Ensure both parties understand what the forms being filled out mean
- A public searchable registry of all RTO decisions in layman's language to help guide others
- Like case law, could RTO disputes become public in a way that respects privacy?
- RTO needs to move faster when 14 days notice is given; some cases take 3 months to get a decision

## Idea 5 Act and Regulations Clarity

### What the Solutions Lab generated

**#5 Problem:** Landlords, tenants, and housing policy-makers require more clarity about definitions & intentions in the Residential Landlord and Tenant Act.

**Idea!** *In the RLTA, increase interpretation for landlords, tenants, and policymakers.*

1. Separate and clarify damage deposit from security deposit. The primary purpose of a security deposit is to secure the unit for the tenant until occupancy. A damage deposit is specifically intended to cover any damage to the rental property during the tenancy agreement term.
2. Clarify who can apply to the RTO, for example, specifically for groups and individuals that have their own policies such as social housing and First Nation citizens, and some dwellings and rental types (shared accommodations, hotels) that are not covered under the RLTA.

### How members of the public reacted and what they contributed

- Deposits: like the idea of greater clarity and having multiple
- All legislation created during the pandemic should be revised given the change in context
- YG should invest in training after new legislation is passed to ensure smooth and successful implementation
- To what extent is this review driven by tenants with high-needs? The legislation has to apply to the whole public
- Do not have a one-size-fits-all legislation
- Consider requiring both landlords and tenants to get tenancy insurance
- Trailerparks
  - Lacks clarity about the removal of a trailer from a trailer park
    - *“For example, the mother dies, the trailer goes to the son and there are no tenancy agreements. Or maybe we don’t have a next of kin, so how long do we wait? That is a gap because nobody has a framework to proceed”*
  - Gray area in legislation; yes the landlord can evict and be supported by the RTO, but no ability to ‘make’ the unit-owner leave or take the unit, therefore the land-owner usually has to buy the unit

- The importance of clarity cannot be understated because it sets out the understanding of roles and responsibilities
- Should the act govern rent-to-own situations?
- Legislation should state the importance of private landlords providing a core community need
- Good legislation should focus on outcomes
- In a transient place like Dawson, deposits are tricky with people moving in and out of the territory
- Being a new Yukoner, I was surprised how 'thin' the Yukon's RLTA was, there needs to be some catch up to even be considered on par with other jurisdiction legislation
- Legislation should have a preamble that is progressive and aspirational; could include principles like human rights, property rights, social determinants of health, reconciliation, decolonization, and power imbalance
- Rules are only as good as their ability to be enforced
- Legislation needs to be about more than property rights, it also needs to highlight the importance of tenant rights
- Be clear how / when a tenant's rights under the RLTA interface with the Human Rights Commission
- Suggestion that SCAN legislation in conflict with RLTA legislation
- Notion of 'fairness' is more realistic than 'balance'
- Legislation should be designed to fit people, not the other way around
- For some, dogs are really important as they are an emotional support
- Legislation title: use 'renter' and 'rentee' to create a balance of power and relationship
- As the law is being drafted, be 'in the shoes' of those it will impact
- Clarify service dogs
- Create a 1-pager of tenant and landlord responsibilities that could be the first page of every tenancy agreement
- Clarify 'noise' - a different thing in somebody's basement
- Clarity required. e.g. "reasonably clean" and "reasonable wear and tear"
- Include the equivalent of a Bill of Rights so that people know their rights
- Tenancy agreement addendums need clarity
- Ability to forfeit a security deposit if rent is not paid
- Consider a phased approach, for example RTO improvement and data collection, then data review and proposals from a new think tank, followed by implementation. Learn and adapt as we go, with legislation focussed on outcomes.

## Other considerations that emerged from the public engagement

### Available housing stock

- Particularly in smaller communities, the lack of housing stock makes it difficult for outsiders and allows landlords to be very selective
- Lack of supply and increased demand are creating lots of problems; make sure you treat the root causes and not just symptoms
- Can we better optimize space by clarifying and potentially occupancy rules?
- Why do we accept a crappy cabin to rent? Part of the Yukon appeal if you are from down south, or, bad value?
- Ensure public subsidies to landlords go to stock improvement and not profit
- Incentives more stock by optimizing existing infrastructure like a basement suite or carriage house / garden suite
- *"We all know people who received the public subsidy to create a suite in their home, but didn't rent it. That is abuse and there should be enforcement and accountability"*
- Looking into the future, there will be increased demand for electrical car plug in, how will landlords adapt and should the public support?
- *"We have fabulous places to live that are not legal. Could they be classified differently to ensure we don't lose that housing stock? What are the minimal specs for safety?"*

### Decision-makers

- It would be helpful to the public if decision-makers could share any 'must-haves' or 'no-gos' in advance of the engagement process
- Please come to the table without preconceived ideas and to listen to both sides equally giving the same consideration of listening to all ideas without bias
- Leave the politics behind and concentrate on the issues with open minds and common sense

### The role of government and the role of the free market

- Some generally feel 'government' should have little influence on the lives of people
- Some feel the free market is the best leveler of supply and demand
- Let the market solve itself: landlords have a right to control their assets, and humans have a right to housing, and 'the butter' in the sandwich is social programs and subsidies for those in need.
- Keep rental agreements between landlord and tenant, and have a process apply only when there's a problem

## Power

- Interestingly, some feel that the current legislation and regulations overly empowers landlords while others feel it overly empowers tenants
- There is a trend of more employers providing employee housing, which creates an increasingly lopsided power dynamic against the employee / tenant
- *"Both parties need to share responsibility, and recognize the power imbalance towards landlords, who made a choice to invest, and there is risk which means the landlords bear some responsibility. Yes we need to incentivize private investment, but we should not support price-gouging"*
- Some landlords do not return deposits because they know their tenants are not in a position to complain to the RTO
  - *"I worked hard to clean the unit and the damage deposit was not returned, and that wasn't fair"*
- One talks about home and safety, the other about asset and profit...how do we reconcile civil and property rights?
- *"I don't feel empowered to being part of a system where I feel powerless with no recourse"*
- Fundamentally, the best way to empower tenants is to have more housing stock so that that tenants have choices
- *"I had no heat for a year, and I have been in that unit for 16 years. I finally got hot water and a working furnace. I was afraid to go to the RTO for fear of eviction. I don't know my rights or even if they will be enforced"*
- There is a general sense that enforcement and accountability is thin
- *"We know we have a problem if people who know they have rights, don't exercise them out of fear of eviction because they have no other options"*
- Create a residential tenancy Ombudsman
- *"Landlords are entitled to make money, not usury. There needs to be fair rules"*
- Find a balance that allows landlords to own, protect and maintain their property as income flow and investments, while giving tenants the sense of continuity, safety, and fair value they need
- *"I'm upset because it feels like the government is playing with people's money. If they want to regulate housing, they should pay for it"*

## Hard-to-house

- Government should house those who are hard-to-house
- Ensure policies allow people to break the cycle of dependence
- We need a better mechanism to relocate people you are unsafe and destructive - have a 3rd party help with walk throughs in such situations

## Incentivize rental housing

- The majority of the rental market is privately owned, use appropriate 'sticks' but don't overlook the power of 'carrots', as incentives can be very impactful.
- Incentives are needed to recruit and retain landlords to maintain and grow the rental stock, but also to incentivize healthy landlord behaviors.
- Incentivize multi-residential development
- Some landlords expressed fear of losing rights to their property, especially with stories coming out of Ontario
- *"Why should landlords fill the gap created by public housing failures?"*
- Remove rent controls to incentivize certain types of new rental development
- We have a largely private rental market which requires investors, and therefore incentives are important otherwise they will exit the market
- There is a tension between a 'reasonable' return to the landlord, the responsibility of the tenant to pay that return, and the need to keep and grow rental stock
- In a market of scarcity, incentives should be broad and sticks should be focussed
- How can we encourage landlords to see themselves as more than just investors with tenants as a means to a profit; that, yes, but also as people?
- Incentives should not lead to financial predation by landlords of tenants
- *"As a landlord I feel constrained - why would I enter long-term rental provision when short-term feels more secure and profitable"*
- Government should incentivize and reward good landlords
- A perpetual tenant without the ability to increase rent over time is a landlord's nightmare
- The government needs private landlords to boost rental stock; government can't afford to fund all rentals which means market incentives are crucial

## Short-term rentals

- Leave it at the contractual level between parties
- Is there a way the public can benefit from data?
- There are stories of people taking public money to build a rental and then turn it into short-term rental; there is no enforcement
- In Dawson, which is very seasonal, there are examples of landlords making the suite a rental in the winter, then kicking out the tenant in the summer to maximize more profitable short-term rentals
- Maybe the threshold should be: if the unit could be a long-term rental, then it should be a long-term rental

## Rooms

- This is a gap in the legislative framework
- All sub-tenants should be listed in the tenancy agreement, just like in Nova Scotia
- *"I am the landlord and I don't actually know how many people are in my house!"*
- Should there be a limit so as not over-crowding?
- *"This really needs to be in the Act. I had a roommate with mental concerns who went off their medications, became dangerous, and there was nothing we could do"*
- Consider a probation or trial period for roommate tenancies

## Trailer Park Landlords

- Unique situation as landlords own the land but not the units on the land
- Evictions are hard and it isn't clear how effective the RTO could be: who enforces a trailer park eviction
  - *"I can't evict if the person has no intention to take the trailer because the trailer is not my property"*
  - *"14 days actually turns into 5 months"*
- Abandoned trailers are a problem because we have limited ability to move them: the means and to another location. Down south there are lots of options, not here.
- *"As a trailer park landlord, we get bad press when there is an eviction. But the neighbors are happy! There is a reason for an eviction. The problem is politicians don't talk to the neighbors"*
- In Kelowna, there is a requirement to help transition people after an eviction so the tenant is not homeless
- In Dawson, especially in the summer high-season, there are examples of landowners who rent a space of land for a tent or RV, and there is no protection

## Tenancy as a relationship

- Give flexibility to both tenant and landlord
- Concern about the increased sense of polarization between landlords and tenants, which seems to be needlessly amplified when there are healthy tenancies
- What about allowing a 3-month check-in, like a probationary period?

## Clarity and capacity to understand

- Success requires clarity of rules and responsibilities
- Help people with understanding as not everyone has the same level of literacy
- Low literacy can be embarrassing, maybe have a 411 type of number to ask questions

## Yukon First Nations

- Find flexibility to self-governing First Nations to work with YG
- Tenant rights need to be clarified, i.e. what about 'guests'? Instances of undesirable people like known drug dealers moving in with citizens. Need more say on who can move into a FN unit with a citizen
- Idea: for settled FN's that do not have their own legislation, allow them to create and pursue their own 'tribunal process' either pre-RTO or instead of RTO. That would allow communities to deal with conflicts in more culturally appropriate ways, and be an act of government-to-government reconciliation
  - Note: THFN just created their own appeal process which gives their First Nations citizen a choice (Administrative Appeals Act)
- RTO requires a certain form which has the YG logo, which creates confusion for a self-governing First Nation having to work with their own citizens
- As a landlord, dogs are a problem as limited ability to enforce

## Municipalities

- It seems like no Yukon municipality is looking to develop a housing corporation<sup>2</sup>
- Open to business licenses for short-term rentals
- Market is so tight that some municipalities reserve bed and breakfasts for staff accommodation
- Dawson's 'tent city' was complicated, but it did solve a summer accommodation spike in demand, and nothing replaced tent city when it ended
- Municipality should require all landlords with a separate unit (i.e. not in their own home) to have a business license, not just for 3+ units, with possibility of inspection at annual license renewal

## Unhealthy narratives

- Concern about the increased narrative that all landlords are villains
  - *"As a small landlord who works hard to provide a fair and pleasant space to my tenant, I am frustrated by the anti-landlord narrative. Sure there are some bad apples, but we also shouldn't be the scapegoat for broader housing issues"*
- Some feel that the actions of a few bad landlords led to an overreaction in the form of regulations that has far and unintended consequences
- Politicians should be mindful not to politicize these narratives based on a small number of bad actors
- There should be focused efforts at going after bad landlords, and not generalizing

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<sup>2</sup> Note: the Town of Watson Lake is a landlord though not through a housing development corporation

- There is a difference between real estate corporation and mom and pop operations
- Not all tenants are in need
- There are bad landlords and bad tenants, no group is homogeneous and most people are good and want to do the right and reasonable thing
- There is a perception that rent is so high in the Yukon; however, Yukon has one of the highest disposable incomes while the rent is around the national median. Why the mismatch?
- *"It feels like landlords are seen as archaic, greedy and bad, while short-term rental owners are young, fresh and entrepreneurial. That's a problem"*

## Philosophical questions

- To what extent is it the responsibility of a landlord to provide housing as a fundamental component of any community?
- We need to first determine the desired outcome, then determine the role of government and the role of private sector to achieve said outcome: they are different and both should be optimized to their respective strengths
- To what extent should this review be influenced by market forces?
- What is the problem being solved: optimizing a constrained supply of rental housing and / or clarifying legal rights and responsibilities?
- Why should the market cover a landlord's costs? Every investment has risks, and buyers beware. Why should tenants fully bear that risk when the landlord has the asset and the near-certainty of a long term gain? There is a perception that becoming a landlord should deliver an immediate return. Why? What other investment acts like that?
- Why do we follow the narrative that everyone should be a homeowner? In Austria, most people are renters
- People as tenants are not a passive source of revenue, they deserve dignity and respect
- Establish a foundational level of housing for all people, like a minimum baseline
- As a society we pay more for the problems associated with inadequate housing than we would for actual housing
- Why can't we accept that housing should be no more than 30% of income, and the rest covered by the public good?
- This process has unfolded without good data. That problem should have been solved to the extent possible in advance of the public policy discussion because otherwise, powerful anecdotes on either side will dominate and continue to polarize
- Why should landlords be society's social housing?
- Bad landlords and bad tenants should be managed with programs not legislation

## Appendix 1

### B1. Why do you think a landlord should be able to end a tenancy in the Yukon? (Select all that apply)

	All respondents	Landlords	Tenants
The tenant has not paid rent	91.76%	98.18%	83.75%
For cause: The tenant does not follow the rules laid out in the Act or tenancy agreement (also called a lease)	90.56%	97.81%	80.55%
For the landlord's or landlord's family member's use of the property	60.42%	87.96%	31.12%
For buyer's or buyer's family member's use of the property	61.48%	86.13%	32.27%
If the tenant's period of employment ends and housing was provided through employment	68.38%	78.65%	58.58%
For major renovations or repairs to the rental unit	59.58%	84.49%	34.32%
For the conversion of property (to a condominium or non-residential use)	46.62%	70.07%	23.11%
The tenant no longer qualifies for a subsidized rental unit	54.79%	67.52%	45.31%
By agreement between the landlord and tenant	91.76%	96.53%	86.73%
Because the rental unit is not suitable to live in due to extreme events	81.2%	89.42%	70.25%
Because of foreclosure or repossession of the rental unit	64.44%	82.66%	42.56%
For some other reason (please specify):	21.27%	36.5%	8.92%
Not sure	0.63%	0.18%	1.14%
None of the above	0.7%	0.18%	1.6%

## Appendix 2

### B2. Why do you think a tenant should be able to end a tenancy in the Yukon? (Select all that apply)

	All respondents	Landlords	Tenants
By giving a prescribed amount of notice (in the Yukon: 1 week notice for a weekly tenancy, 3 months' notice for a yearly tenancy, and 1 month for other tenancies)	94.51%	96.35%	91.53%
The tenant is experiencing domestic, sexual or family violence	83.87%	82.12%	87.64%
The tenant needs to move into long-term care	88.59%	86.86%	90.85%
The rental unit is not suitable to live in due to extreme events	91.62%	89.42%	92.91%
The landlord fails to comply with a term of the Act or tenancy agreement.	92.75%	90.69%	93.36%
By agreement between the landlord and tenant	94.58%	96.35%	92.91%
For some other reason (please specify):	10.92%	11.31%	9.61%
Not sure	0.77%	0.73%	0.69%
None of the above	0.28%	0%	0.46%

## Appendix 3

**D2. Which of the following reasons do you think should apply to a landlord ending a tenancy for a mobile home site? (Select all that apply)**

	All respondents	Landlords	Tenants
The tenant has not paid rent	87.61%	93.46%	83.7%
For cause: the tenant does not follow the rules laid out in the Act or tenancy agreement	84.72%	91.5%	83.7%
For the landlord's, or landlord's family member's, use of the mobile home site	30.22%	54.9%	12.5%
For buyer's, or buyer's family member's, use of the mobile home site	35.31%	55.56%	18.48%
If the tenant's period of employment ends and their housing was a condition of employment	53.82%	62.09%	53.26%
For major renovations or repairs to the mobile home site	43.12%	62.75%	28.26%
For the conversion of mobile home site to another use	39.05%	64.71%	26.09%
By agreement between the landlord and the tenant	86.76%	90.2%	80.98%
For some other reason (please specify):	9%	10.46%	7.07%
Not sure	1.87%	1.31%	2.17%
None of the above	1.87%	1.31%	1.09%

## Appendix 4

**D3. Which of the following reasons do you think should apply to a tenant ending a tenancy for a mobile home site? (Select all that apply)**

	All respondents	Landlords	Tenants
By giving a prescribed amount of notice (in the Yukon: 1 week notice for a weekly tenancy, 3 months' notice for a yearly tenancy, and 1 month for other tenancies)	85.06%	84.31%	84.78%
The tenant is experiencing domestic, sexual or family violence	75.55%	66.67%	85.33%
The tenant is moving into long-term care	81.83%	75.16%	86.41%
The mobile home is not suitable to live in because of extreme events	83.7%	79.74%	88.59%
The landlord fails to comply with a material term of the rental agreement	85.91%	81.7%	87.5%
By mutual agreement of the landlord and tenant	89.81%	90.2%	88.04%
For some other reason (please specify):	7.98%	11.76%	6.52%
Not sure	2.89%	2.61%	3.8%
None of the above	1.36%	1.96%	0%