

Assisting Tenants Experiencing Sexual Assault and Harassment

In its 2016 *Sexual Violence and Harassment Plan*, the provincial government proposed an array of legislative changes that would amend several statutes to help to combat the serious problem of violence against women and children. One of those areas of law that was identified as needing change was in the area of residential tenancies.

For women fleeing violence and abuse, the termination provisions of any tenancy agreement can pose legal obstacles for her to be able to successfully leave one rented space and start the process of re-building in another. In particular, how does she terminate her interest in a rental unit if she is a joint tenant with her abuser: or, what happens to her obligation to pay rent for a rental unit that she must leave? The amendments to the *Residential Tenancies Act, 2006* address both issues.

Where a person shares a tenancy in a rental unit with a person who abuses them, that person can give their own notice to vacate on twenty-eight days of notice. If proper notice is given, that person's obligation to pay rent also ceases. This represents a major departure from the law as we have known it as it relieves a woman fleeing abuse from a debt or a bad credit rating that might be discovered by her years after the fact. Further, landlords are also required to keep all information about the notice secret until the person moves out, thus protecting the escape plan of the vacating tenant. Tenants can also change their mind and not vacate notwithstanding the notice to terminate that they have given.

The amendments further set out what happens to the last month's rent on deposit, when the landlord can take steps to re-rent the unit, the types of acts that constitute violence or abuse and the types of personal relationships against whom these allegations may be made.

Obviously, the real problem is the lack of affordable housing for anyone wanting to change their lives, strike out on their own, or flee danger and abuse. The real solutions lie with the creation of affordable housing, better jobs, adequate social assistance rates and universal

daycare. Until then, the changes to the *Residential Tenancies Act, 2006* offer only a Band-Aid solution to problems of deep and pervasive social and economic inequality.