

Introducing Protection for Renters and a New Nova Scotia Affordable Housing Commission

Government introduced a two per cent cap on rental increases for existing tenants and a ban on renovictions. The province also announced it is creating the Nova Scotia Affordable Housing Commission.

Here are the highlights:

Rent Caps

- Rents can't increase by more than two per cent for existing tenants
- This rent cap is retroactive to September 1, 2020

These changes are being made under the Emergency Management Act and will be in place until February 1, 2022, or until the state of emergency is lifted, whichever comes first.

What does this mean for tenants?

- For existing tenants staying in the same unit, rents can't be increased by more than two per cent annually.
 - If a tenant had their rent increased by more than two per cent since September 1, 2020, their landlord will have to credit them the amount above the two per cent on their next rental payments.
 - If the tenant doesn't live there anymore but has paid the higher rent in September, October or November then their landlord will have to reimburse them the overpayment amount.
 - If tenants are not reimbursed by their January rental payment, they should make an application to the Residential Tenancies Program www.novascotia.ca/rta unless alternative arrangements have been made with their landlord.
- The rent caps do not apply to new tenants. For these tenants, rates can be set at market value.

Tenants and Landlords are always encouraged to work together to resolve disputes. If an agreement cannot be reached, tenants and landlords can apply to the Nova Scotia Residential Tenancies Program for assistance. It's important for both tenants and landlords to know their rights and responsibilities.

Resources:

<https://beta.novascotia.ca/documents/residential-tenancy-guides>

<https://beta.novascotia.ca/programs-and-services/residential-tenancies-program>

What does this mean for landlords?

- For existing tenants:
 - If a landlord increased a tenant's rent, since September 1, 2020, by more than two per cent, they must reimburse the difference compared to the previous rent.
- For new tenants, the rent cap doesn't apply to the initial rental amount. The two per cent cap is applicable on all subsequent rental increases.

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Renoviction Ban

- Effective immediately, landlords will not be able to get an eviction order for renovations
- This change is being made under the Emergency Management Act and will be in place until February 1, 2022, or until the state of emergency is lifted, whichever comes first

What does this mean for tenants?

- Tenants can't be evicted for the purpose of renovations unless their landlord has an eviction order that has already been issued by the Residential Tenancies Program.

What does this mean for landlords?

- Landlords can't evict tenants for the purposes of renovations unless an eviction order has already been issued by the Residential Tenancies Program.
- Landlords can still evict tenants for situations permitted under the Residential Tenancies Act such as:
 - Rental arrears
 - Safety and/or security risk (i.e., physical assaults)
 - Abuse of landlord rules (i.e., continued smoking in a non-smoking building)
 - Non-compliance with tenant obligations under Residential Tenancies Act (ie. subletting without the landlord's permission)
 - Damage/destruction to property
 - Property owners wish to move back into their home
 - Early termination is required for a new property owner to take possession of their new home.
 - A property is foreclosed on by a financial institution.

Nova Scotia Affordable Housing Commission

- The Nova Scotia Affordable Housing Commission will engage with experts and stakeholders across the province to examine the current state of affordable housing in Nova Scotia and identify meaningful, sustainable, and actionable strategies and opportunities.
- The Commission will provide recommendations to the Minister of DMAH on how to address the challenges associated with affordable housing and increase the supply of a diverse range of affordable housing in Nova Scotia. The recommendations are due on or before May 31, 2021.