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If it Ain't Broke... The Do's and Don'ts of Evicting Tenants for Repairs or Renovations

Roof repairs. Asbestos removal. Window replacements. When a British Columbia landlord faces repairs or renovations in a rental building, the decision to evict an existing tenant to conduct the repairs or renovations can be difficult. When can a landlord evict a tenant to conduct repairs or renovations? What kinds of repairs or renovations are insufficient to warrant an eviction? Before issuing an eviction notice, landlords should prepare to **REPAIR**:

R: Review the Residential Tenancy Act

Landlords wishing to evict for repairs or renovations should read the Residential Tenancy Act, S.B.C. 2002, c. 78. Under section 49(6) of the Act, landlords are permitted to evict a tenant on two month's written notice for the purpose of completing repairs or renovations. However, not all repairs or renovations are treated equal. The law requires that before issuing a *2 Month Notice to End Tenancy*, the landlord must have all of the necessary permits

required by law to conduct the repairs or renovations, and the landlord must intend in good faith to renovate or repair in a manner that requires the suite to be vacant. The landlord is also obligated to compensate the tenant the equivalent of one month's rent on or before the move-out date.

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E: Estimate the Time to Repair or Renovate

The Courts have recognized a tenant's right to continue their tenancy and temporarily relocate during work that requires vacant possession. In the case of *Berry and Kloet v. British Columbia (Residential Tenancy Act, Arbitrator)*, 2007 BCSC 257, the Court recognized two dimensions to the vacant possession requirement: first, the renovations must be so extensive that they require an empty suite; and second, the landlord must prove that the only manner to achieve an empty suite is by terminating the tenancy. If a tenant is willing to empty the rental suite for the duration of the work, then a *2 Month Notice to End Tenancy* is unlikely to be upheld.

P: Prepare the 2 Month Notice to End Tenancy

In addition to the above-noted requirements, landlords must issue the *2 Month Notice to End Tenancy* on the prescribed form published by the Residential Tenancy Branch. If a landlord does not use the prescribed form, then the eviction will likely be overturned.

A: Address Tenant Queries

Landlords who issue a *2 Month Notice to End Tenancy* can expect questions from their tenants regarding the nature and scope of the proposed work. As a result, in conjunction with issuing a *2 Month Notice to End Tenancy*, best practices include providing tenants with an information package detailing the anticipated work and the reasons behind the proposed repairs or renovations. By keeping the door open for information requests, landlords can often close the matter off to future disputes.

I: Identify Opportunities for Dispute Resolution

In the event that a tenant disputes a *2 Month Notice to End Tenancy*, landlords should consider opportunities for early resolution. A dispute resolution hearing with the Residential Tenancy Branch is considered to be a last resort for landlords and tenants to resolve their disputes. If alternative remedies exist that would facilitate the repairs/renovations in the suite without evicting the tenant, or if the landlord and tenant can make a mutual agreement to end tenancy that facilitates alternative move-out arrangements (e.g. the provision of additional moving time or compensation to the tenant), then these options should be explored before going to the Residential Tenancy Branch.

R: Repair or Renovate the Suite within a Reasonable Period of Time

Finally, once a tenant moves out, landlords have an obligation to deliver on their demand. If a landlord does not take steps toward the purpose for which the eviction notice was given within a reasonable period of time or if the suite is not used for the stated purpose for at least six months, then a tenant is entitled to additional compensation equivalent to two months' rent. As landlords are well aware, the cost of repairs and renovations can sometimes go over budget – don't let this expense become a part of your final bill.



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How to Be a Friend in Need

Seven Tips That Can Help a Troubled Friend

Friends and family in distress are all around us. From the workplace to the dining table to yoga class, we hear their stories. Their in-laws are driving them crazy. They have toxic co-workers and cope with bizarre office politics. Their stress is palpable.

And we want to hear about it. We want them to talk to us about it. Why do we do this? Is there something wrong with us? Not at all.

Wanting to talk with family or friends about their problems isn't the same thing as *schadenfreude*, which translates from German as "harm-joy," where we take actual pleasure from another's misfortune.

There are healthier, kinder parts of us that want and even like to hear about the woes of those we care about. Why is that?

We feel closer when we share our difficulties. When my friend reveals that she is divorcing, I feel special. She chose me to confide in. I tell her how terrible I felt during my divorce and that it's now a distant memory. My assurances relieve her. I feel good about being supportive. Our bonds deepen in such intimate conversations.

We want to know we're not alone. Misery indeed loves company, and when we know that our friend's sister-in-law is an alcoholic, we feel better about our nosy, opinionated mother-in-law. Neither of us has a perfect family and we feel better about that.

We do it out of curiosity. Let's face it. We're

intrigued when we learn how our friend caught her boyfriend cheating. It's flat-out interesting. While we don't wish misery on our friends, when it inevitably comes their way, we want to hear about it. It doesn't make us bad people. It simply means we're human.

But there are ways to have friend-in-need conversations that support others and strengthen our connections with them. Here are a few simple guidelines to help negotiate this tricky terrain.

1. Don't ask, don't tell.

Recently, I was having dinner with a friend who is divorcing after a long-term marriage. I wondered how it was going, but I remembered how, when I was divorcing, I treasured those times when I could relax with a friend and not think about it. So I avoided any topic that might remind her.

It's so tempting to bring up the juicy topic, but just don't. We all need down time from our difficulties. We need to relax and enjoy our social encounters. Trust that your friend will talk to you about a problem when and if they are ready.

2. Don't pour gasoline on the fire.

"UGH—what a GIANT drag! What a waste of time that you have to deal with this." I recently erased those words from a text I was about to send a professor friend who is dealing with a student she suspects of cheating on an exam. She'd asked me for advice. I answered her question and let it go at that. She knows it's a drag and a waste of time. My reminding her serves no useful purpose. We can be authentically helpful and supportive without inflaming a situation.

3. Don't mine the conversation for pain.

If your friend tells you that her son has gone into rehab, don't ask what drug he was addicted to or whether insurance is paying for his treatment. Trust that if your friend wants you to know, she will tell you. While human curiosity is normal and natural, there is a time and place for it. This isn't one of them.

4. Keep it under your hat.

Assume everything that a friend in need tells you is absolutely secret. Tell no one, even if you weren't asked to. You may be tempted to tell your sister that your neighbor's husband had an affair with the nanny and you might know for a certainty that your sister won't breathe a word of it to anyone, but just don't do it.

When we spread stories about our friends in need, we compromise our integrity—that quality of choosing honesty, principled behavior, and walking our talk. The momentary pleasure of sharing juicy details of another's life is not worth it. You won't feel good about yourself in the long run, and you're letting others know you can't be trusted with their secrets.

5. Don't offer advice or suggestions unless you're asked.

Telling your friend with a cheating spouse that you know the best divorce lawyer in town might do more harm than good. Your friend may be hoping for a reconciliation. Such uninvited solutions have the potential to increase a friend's stress and anxiety and undermine their confidence.

6. Do support their feelings.

Whether they're angry, sad, worried, or anxious, people's feelings are always valid. Statements like "I understand," or "I get it," are far more helpful and supportive than, "Don't be so sad" or "You don't have anything to worry about."

When we affirm another's feelings we show them that we're listening and that we understand what they are going through, without adding to their woes. It helps us understand that our feelings are normal and that we're not alone.

7. Do give the gift of presence.

One of the greatest gifts we can offer another is our undivided attention. Put down your cell phone, stop multi-tasking, and really show up to listen. This simple yet powerful

act is one of the most precious gifts we can offer a friend in need. Often just "holding space" like this is extraordinarily comforting and healing.

So the next time you're talking with a friend or family member who has hit a rough patch, remember these simple guidelines. And when you're the one in need, be sure to reach out and ask for exactly what will help you.

Life's challenges don't spare any of us. Having someone supportive accompany us on all or part of that journey can make a huge difference in how well we go through it. We are social creatures, and having friends-in-need conversations is powerful medicine.

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BCPA Calendar Reminders

November 17, 2016: Vancouver Members Fall Dinner

Please note that all events are for members only. For further information about these events, as well as membership, visit bcparalegalassociation.com



Making E-Mail Communication Tips for Better Emails from leadership coach David Rock

In the rush and crush of daily emails, we send and receive directives, comments, updates and requests with rapid fire efficiency. One dimensional messages fly unseen from screen to screen until we're notified of their presence, wanting our immediate attention. Sometimes we write quickly without reflecting, press send, and then move onto the next task. Another box ticked.

Missing are the mindful contexts and social nuances that transform words into real communication. David Rock, a thought leader in the global coaching profession, suggests the following guidelines for better, clearer and more mindful email communication in his book, "Quiet Leadership".

- ♦ Emails are best to contain as few words as possible. Make your emails concise and to the point while including all the pertinent information you want to relay. Your message will likely be one of many in the inbox – let its crisp, clear information set it apart from the clutter.
- ♦ Make it easy to see your central point at a glance, in one screen. The reader shouldn't have to work to find the point of your message. Be clear about what you would like the recipient to do next.
- ♦ Never send an email that could emotionally affect another person unless it's pure positive feedback. Emails linger in the system, and can be read again and again. Without the social cues of a personal interaction, the words and tone can easily be misunderstood and hurtful.

- ♦ Emotional issues must be discussed by phone; email should be used only to book a time for a call or a meeting.
- ♦ If you accidentally break rule number four, phone the person immediately, apologize, and discuss the issue by phone or go and see them.

Remember, emails are notes between colleagues, family and friends, and should be treated with the same care and consideration as meeting face to face. Let's really communicate.



Safety Tips for Bike Commuters

Every day, thousands of people across our city commute to work by bike – it's great exercise and good for the environment. But unfortunately, there's always the risk of an accident. Here are a few tips to make for a safer ride.

Plan ahead

Before you go, plot your route and choose the safest way of getting there and back. Check the map of Vancouver bike paths or search Google for trails in your community.

Follow the rules

Bike routes have rules, so follow them. Never bike on the sidewalk and dismount when going through crosswalks or crowded spaces. In the streets, bike with the traffic – same side and direction.

Put a lid on it

Helmets are required by law in BC. They can help protect your head and reduce the dangers of an impact. Pick one that has been safety standard tested and certified, making sure it fits properly with the strap fastening securely under your chin.

See and be seen

Make eye contact with others while you're passing by to ensure you know each other's intentions. Too many accidents happen because someone claims they didn't see the other party.

For night rides, you must have a white headlight and a rear red light, plus reflectors. They're also good in foggy or rainy conditions when visibility is reduced. So is bright or reflective clothing.

Avoid the door prize

Opening car doors can be a real danger for cyclists. To minimize the risk of getting 'doored', bike at least a meter (or three feet) away from parked cars. Also avoid weaving in and around cars. It makes you harder to see and harder for people in cars to predict where you might be going.

A safe bike commute should always be your first priority. You don't want to get hurt, so make sure you bike safely and enjoy the ride!



Slater Vecchio LLP is a Vancouver personal injury law firm. Learn more about our firm by visiting Facebook, Twitter, LinkedIn, Instagram and/or our website.