

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BY-LAW NO. 1463

BEING a By-law to establish jointly with Victoria, Saanich, Oak Bay, Central Saanich and North Saanich a Landlord and Tenant Advisory Bureau.

WHEREAS:

- (a) Section 66 of the "Landlord and Tenant Act", R.S.B.C. 1960, Cap. 207, as amended, provides that every Council of a City or District Municipality shall, and any other Municipal Council may, establish a Landlord and Tenant Advisory Bureau;
- (b) The said Section 66 further provides that two or more municipalities may, by agreement, establish jointly a Landlord and Tenant Advisory Bureau and, notwithstanding the "Municipal Act", an agreement entered into by a municipality for this purpose may be for a term of more than one year, but not more than five years;
- (c) It is deemed expedient that the Corporation enter into an agreement with Victoria, Saanich, Oak Bay, Central Saanich and North Saanich pursuant to the above recited powers for the purpose of establishing jointly a Landlord and Tenant Advisory Bureau;
- (d) The terms of an agreement with the aforesaid municipalities for such purpose have been approved by the said municipalities;
- (e) It is enacted by Section 37 of the said Landlord and Tenant Act that unless a municipality, by By-law, otherwise provides, a landlord shall not require or receive a security deposit from a tenant under a tenancy agreement except as in the said Section otherwise provided in the case of certain rent payments;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ESQUIMALT, in open meeting assembled, enacts as follows:

- 1. The above mentioned agreement, a copy of which is on file in the Municipal Clerk's office, Municipal Hall, Esquimalt (having been initialled by the Municipal Clerk for identification) is hereby adopted and confirmed and the Mayor and the Municipal Clerk are hereby authorized to execute the same under the Seal of the Corporation.
- 2. (a) It shall be lawful for a landlord to require or receive a security deposit from a tenant under a tenancy agreement, but nothing in this Section shall be read or construed so as to require a landlord to demand or receive a security deposit.

(b) The landlord shall pay annually to the tenant interest on any moneys held by him as a security deposit at the rate of 6% per annum.

(c) The landlord shall pay the security deposit to the tenant together with the unpaid interest that has accrued thereon and been retained, within fifteen (15) days after the tenancy is terminated or renewed unless the tenancy is then the subject of litigation in which event the security deposit shall be dealt with as ordered.

(d) The amount of any security deposit shall not exceed one-half the amount of the average monthly rent payable under the tenancy agreement.

(e) In this Section:

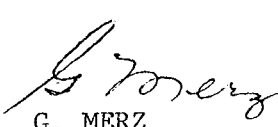
"Tenancy Agreement" means an agreement in writing between a tenant and a landlord for possession of residential premises where the rent payable under the agreement does not exceed five hundred dollars per month.

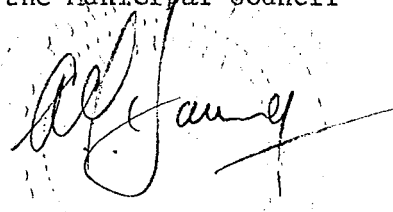
"Security Deposit" means money or any property or right paid or given by a tenant of residential premises to a landlord or his agent or to anyone on his behalf to be held by or for the account of the landlord as security for the performance of an obligation or the payment of a liability of the tenant or to be returned to the tenant upon the happening of a condition, but does not mean a rent payment for a rent period not exceeding one month applied by the landlord in payment of the rent for the last rent period under the tenancy agreement.

3. This By-law may be cited as the "LANDLORD AND TENANT ADVISORY BUREAU ESTABLISHMENT BY-LAW, 1974".

PASSED by the Municipal Council on 7th January, 1974

RECONSIDERED, ADOPTED and FINALLY PASSED by the Municipal Council on 4th March, 1974


G. MERZ
MUNICIPAL CLERK


A. G. YOUNG
MAYOR