

**Direction of the Minister**  
**under a Declared State of Emergency**  
(Section 14 of the *Emergency Management Act*)  
(20-014R)

Under my authority in Section 14 of the *Emergency Management Act*, I order that this Direction (20-014R) repeal and replace the Direction (20-014) regarding tenant protections issued on November 25, 2020.

During the Provincial State of Emergency I declared Province-wide on March 22, 2020, having satisfied myself that it is necessary for the protection of property and the health or safety of persons in the Province, and under the authority provided to me in Section 14 of the *Emergency Management Act*, I direct as follows:

**PART I**  
**RENOVICTION OF TENANTS**

1. For the purpose of this Direction, a “renoviction” means a renovation undertaken by a residential landlord to residential premises, or a building containing residential premises, that will require the tenant to vacate the premises,
  - (a) effective **on and after September 1, 2020**, a residential landlord is prohibited from giving a notice to quit under the *Residential Tenancies Act* to a tenant for a renoviction,
  - (b) effective **on and after September 1, 2020**, any notice to quit given by a residential landlord to a tenant for a renoviction is void,
  - (c) effective **on and after November 25, 2020**, a residential tenancy officer, or on appeal the Small Claims Court, must not make an order terminating a tenancy or order the tenant to vacate the residential premises for a renoviction.

**PART II**  
**RENT INCREASE CAP**

2. (1) Effective **on and after September 1, 2020**,
  - (a) all residential landlords are prohibited from increasing the rent payable by an existing tenant by an amount that is more than 2% above the amount that was payable by the tenant immediately before September 1, 2020, and

(b) if a residential landlord gave a notice of rent increase that was effective on or after September 1, 2020, any amount of the rent increase that is more than the amount referred to in clause (a) is also prohibited, and any prohibited amount collected by the landlord must be treated as an overpayment of rent that must be dealt with as follows:

(i) if the tenant still resides in the residential premises and there are one or more rental periods left under the lease, the landlord must apply the overpayment as a credit against the next rent payment that is due, and if there is any overpayment amount left after the next rent payment is due, the remaining overpayment must be applied as a credit to subsequent rent payments until the overpayment has been credited in full; or

(ii) if the tenant no longer resides in the residential premises, or if there is no longer any outstanding rent due from the tenant for subsequent rental periods, the landlord must reimburse the full amount of the overpayment to the tenant.

(2) For greater certainty, subsection (1) applies to a landlord who enters into a new fixed-term lease with an existing tenant for the same residential premises.

3. Section 2 of this Direction does not apply to a rent increase in a land-lease community that complies with Section 11B of the *Residential Tenancies Act*.

This Direction is in addition to any requirements established in a Medical Officer's order under the *Health Protection Act*, and any other Directions issued under the *Emergency Management Act*.

**A failure to comply with this Direction could result in a summary conviction with fines between \$500 to \$10,000 for individuals and up to \$100,000 for a corporation per incident.**

Unless it is terminated in writing, this Direction will remain in place for the shorter of the following periods of time:

(i) until 8:30 am on **February 1, 2022**, or

(ii) for the duration of the Provincial State of Emergency, including any renewal periods made by the Minister and approved by Governor in Council under Section 19 of the *Emergency Management Act*.

Dated November \_\_\_\_\_, 2020

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Honourable Chuck Porter  
Minister of Municipal Affairs and Housing