

EC2023-268**RESIDENTIAL TENANCY ACT
DECLARATION RE**

Under authority of section 117 of the *Residential Tenancy Act* Stats. P.E.I. 2022, c. 88 Council ordered that a Proclamation do issue proclaiming the said "*Residential Tenancy Act*" to come into force effective April 8, 2023.

EC2023-269**RESIDENTIAL TENANCY ACT
RESIDENTIAL TENANCY REGULATIONS**

Pursuant to sections 107 and 111 of the *Residential Tenancy Act* R.S.P.E.I. 1988, Cap. R-13.11, Council made the following regulations:

1. Definitions

In these regulations,

- (a) “**Act**” means the *Residential Tenancy Act* R.S.P.E.I. 1988, Cap. R-13.11;
- (b) “**maintenance**” includes repairs to plumbing, electrical or heating systems, appliances, and minor structural repairs, but does not include capital expenditures or expenditures related to replacement of capital assets;
- (c) “**management fee**” means the actual cost of the management fee or 5 per cent of the gross rental income for the previous year, whichever is the lesser;
- (d) “**rental income**” means the rent assigned to each unit and includes revenue from facilities such as coin operated laundry machines and parking.

2. Non-application of Act

For the purposes of clause 4(j) of the Act, the Act does not apply to

- (a) living accommodations provided to persons who were in the care of the Director of Child Protection under the *Child protection Act* R.S.P.E.I. 1988, Cap. C-5.1, or who are receiving extended services from the Director of Child Protection; and
- (b) living accommodations provided to families who have been the victim of family violence and who are receiving services from the Director of Social Assistance under the *Social Assistance Act* R.S.P.E.I. 1988, Cap. S-4.3.

3. Interest rate

For the purposes of subsection 14(9) of the Act, the prescribed interest rate is the Canada Pension Plan policy interest rate on the first business day of the year less two percent.

4. Request for additional increase

For the purposes of clause 50(4)(b) of the Act, the Director may also consider that the purchase of a residential property should not require an increase of rent within the first year in order to achieve a reasonable return on the landlord's capital investment.

5. Terms defined

For the purposes of clause 50(3)(b) of the Act,

- (a) **“capital expenditures”** includes expenditures for replacement of plumbing, electrical or heating systems or appliances, and major structural repairs; and
- (b) **“operating costs”** excludes depreciation costs, but includes the basic expenditures necessary for the operation of the building such as fuel, water, electricity, insurance, taxes, maintenance, management fees, staff wages or the value of a rental unit made available in lieu of wages, and financing costs of interest on mortgages registered against the property.

6. Reasonable moving expenses

- (1) For the purposes of subsections 70(1) and (2) and sections 71 and 72 of the Act, reasonable moving expenses are the lesser of the actual expenses of the move or one month's rent.

Specified amount – mobile home

- (2) For the purposes of subsection 70(3) of the Act, the specified amount is the actual expenses of moving the mobile home.

7. Landlord's notice for demolition, conversion, repairs, renovations

- (1) For the purposes of subsection 64(2) of the Act, the landlord shall complete the form approved by the Director and provide it to the Director for review to ensure it meets the criteria of clause 64(1)(c) of the Act.

Prohibition

- (2) A landlord shall not give notice to a tenant under clause 64(1)(c) of the Act until the Director has reviewed the information provided by the landlord and the landlord has received the approval of the Director to give the notice.

8. Minimum amount

For the purposes of subsection 89(2) of the Act, the minimum amount is \$50.

9. Definition, “public housing body”

For the purposes of section 67 of the Act, a public housing body is the Prince Edward Island Housing Corporation or a public housing authority established pursuant to the *Housing Corporation Act* R.S.P.E.I.1988, Cap. H-11.1.

10. Transitional – Director, office of the Director

- (1) For greater certainty, on the coming into force of section 7 of the Act,
 - (a) the Director, any person appointed under subsection 7(1) of the Act, and the office of the Director shall continue to function as if the Director had been appointed by the Commission under the former Act;
 - (b) a person employed in the office of the Director continues to be employed in that capacity and on the same basis as the person was employed under the former Act;
 - (c) a person retained by the Director under subsection 7(3) of the Act is employed on the same basis as if the person had been employed under the former Act; and
 - (d) the *Civil Service Act* R.S.P.E.I. 1988, Cap. C-8, does not apply to a person referred to in clauses (b) and (c) or to the Director.

Definition – “former Act”

- (2) In subsection (1), “**former Act**” means the *Rental of Residential Property Act* R.S.P.E.I. 1988, Cap. R-13.1.

11. Commencement

These regulations come into force on April 8, 2023.