

September 29, 2025

Via Email

Standing Committee on Public Bills
One Government Place
1700 Granville Street
Halifax

RE: Protecting Nova Scotians Act - Bill 127

I write today with respect to the proposed amendments to the *Residential Tenancies Act* (“RTA”) Bill 127. By way of introduction, I am the Managing Lawyer of the Social Justice Office of Nova Scotia Legal Aid. We help tenants ensure their rights under the Act are protected and their obligations met. We represent tenants to protect against illegal or unwarranted evictions, or other violations by landlords.

Launch of Tenants’ Rights Program

First, I would like to take this opportunity to share some exciting news. To support our work across Nova Scotia, on September 26, 2025, we officially launched our new Tenants’ Rights Program (TRP), funded by a four-year grant from Justice Canada.

The TRP has a province-wide mandate to be fulfilled by the Tenants’ Summary Advice Counsel (TSAC), Nora MacIntosh, and the Tenants’ Rights Educator (TRE), Christina Tellez. The Tenants’ Rights Program work will include providing:

- Summary legal advice and legal information to self-represented tenants through a central Province-wide number, and
- Public legal education and information sessions in communities across Nova Scotia.

RTA Amendments

As the Managing Lawyer of the Social Justice Office, I read Bill 127 and the proposed *Residential Tenancies Act* amendments with great interest. My comments are derived from my experience as an advocate for tenants and as a litigator.

Definition of “Public Housing”

Clarification of “public housing” is welcomed. Public housing (with rent-geared-to-income) is a logical exception to the rent cap under the *Interim Residential Rental Increase Cap Act*. I have always taken public housing to mean housing provided by the *Nova Scotia Provincial Housing Agency*. In the last few years, my understanding of “public housing” has been challenged by private landlords attempting to usurp the term for the purposes of evading the cap on rent increases. The *Interim Residential Rental Increase Cap Act* is an important piece of the Province’s response to the lack of affordable housing. It provides stability for families in our communities.

For example, we are currently devoting resources to disputing a landlord’s self-proclaimed “public housing” status.

The landlord is a privately-owned entity registered as an incorporated business under Nova Scotia’s Registry of Joint Stock Companies. The landlord committed to provide affordable housing for 15 years, having received about a half-million dollars from the Province and a guarantee of rent supplements for at least seven (7) units.

Once the 15 years passed, the landlord sought to bring the affordable housing rent to market rent – a drastic increase that would have been devastating to the families presently living there, even without affordable housing issues. Some, but not all, tenants fought for their rights to be upheld. Others either accepted an illegal rent increase or moved out. The landlord maintains it is exempt under the public housing definition, despite being told at multiple RTA hearings that the rent increase cap applied.

Delegating the defining of “public housing” from the RTA to the Regulations will ensure the Province is able to quickly respond when landlords similarly attempt mental gymnastics to categorize themselves as such. It will allow the Province to be nimble and quickly adapt as needed and as public housing evolves and public-private projects become part of the solution.

It must be made clear that the provision of government funding to, or the acceptance of rent supplements by, private entities does not convert those entities into public housing.

I would also welcome clarification that “rent-geared-to-income” (“RGI”) is distinct from the calculation of a rent supplement (if that is indeed the intention). In the latter, a tenant’s portion of the rent may be based on income. However, this calculation does not impact the actual amount of rent payable to the landlord.

I understand there are non-public entities providing rent-geared-to-income tenancies. Providing affordable housing through RGI is laudable and an important contribution to the housing market. I ask that the Province consider and clarify what RGI ratios or formulas would warrant an exemption from the *Interim Residential Rental Increase Cap Act* for non-profit or

private entities. My experience suggests a general definition – without clear parameters – could provide unintended loopholes for creative landlords.

Boarder

The proposed changes to the application of the *Residential Tenancies Act* to “boarders” is one which leaves me divided. Balancing between the needs of landlords renting space within their own home and the needs of the tenant renting that space is undeniably a difficult task.

My concern arises from three primary issues:

1. Lack of protection of vulnerable tenants (international students in particular) against unwarranted eviction, or abuse by unscrupulous individuals uninterested in becoming landlords but seeing opportunity for a scheme allowing them to rotate through many tenants in a short period of time, collecting rent and security deposits along the way, and
2. Inconsistent interpretations arising from provision 3(1)(c): **“the landlord and the tenant are not in a domestic relationship”**

1. *Lack of Protection*

I am aware that homeowners – who are not professional landlords – may also be vulnerable and should not be forced to remain in uncomfortable situations in their own home. A homeowner may be financially struggling themselves, reluctantly turning to renting out space in their home solely out of financial need, rather than profit.

The proposed amendment, however, leans too far toward protecting the landlord in such cases. Absent a threat to safety or security, the 7-day notice is simply too short.

The tenant also loses the RTA’s protection of their personal property. Without the oversight of the RTA, landlords can remove tenants from their homes simply by gathering up the tenants’ personal belongings and putting them out to the curb. The proposed amendments ensure the landlord is not accountable for such actions, at least under the *Residential Tenancies* process.

I ask that the Bill 127 be amended to provide a greater level of protection for boarders and their property.

2. *Questions of Interpretation – Domestic Relationships and Family Members*

The proposed section 3(1)(c) refers to a “domestic relationship” as an exception. It lends itself to an interpretation the RTA applies in such circumstances only when there is a domestic relationship. There is room for greater clarity.

I ask that consideration be given to fleshing out more fully the Minister's intention and considering expanding this exception as it relates to families.

The RTA currently defines "family member" as any of the following:

- (i) the individual's spouse,
- (ii) a child of the individual or the individual's spouse,
- (iii) a parent or legal guardian of the individual or the individual's spouse;

The proposed clause specifies "domestic relationship", implying a definition distinct from "family member". Presumably, the intention is to include the relationship between an individual and their spouse, as defined by the RTA.

Such an interpretation ensures that a non-title-holder spouse is not relegated to the status of tenant in the family home.

However, I ask that the Minister turn her mind to considering inter-generational and other households comprised of familial ties. As our population ages and rents outstrip wages, more and more families see generations remaining or returning the same household. A homeowner could be welcoming aging parents and/or adult children into their homes. As we welcome immigrant families to our Province, we must remember that sharing homes intergenerationally is a cultural norm for many.

Public policy and social benefits generally support intergenerational relationships. Nova Scotia's Caregiver Benefit, for example, provides some financial support to one taking in and providing care for an aging parent.

When adult relatives (aside from spouses) share a household but not title, it can be more difficult to ascertain if and when a landlord-tenant relationship began. Is a non-titled family member's contribution to costs to be considered rent or simply payment of their fair share of household expenses? What about in-kind consideration, such as aunt or grandmother shopping and cleaning, or a brother or daughter doing yardwork?

Characterization of such relationships needs to be considered carefully. If an adult daughter contributing her share to household expenses is found by the RTA to be a tenant and paying "rent", that has other financial implications for the titled owner. If the titled owner is in receipt of income assistance, "rent" paid by a family member will be deducted dollar for dollar from her benefits – undermining efforts of a low-income family to share expenses.

The impact on intergenerational households, particularly low-income families, may be greater than anticipated by the current iteration of Bill 127. The potential misinterpretation and unforeseen consequences of this amendment, as noted above, requires further consideration.

Protection for Victims of Domestic Violence

Extending the protection for victims of domestic violence is a welcome amendment. Based on my experience, there is room for further improvement. Victims (and their children, if any) ending an abusive relationship may actually find themselves at the mercy of their abuser for the continuation of their housing.

Our office often sees victims having abusers removed under an emergency protection order (“EPO”) only to find out that their abuser contacted the landlord and terminated the lease. This can occur even when the victim is a named tenant, as tenancies are joint and several.

A simple solution is to provide that where an individual is removed from a rental unit pursuant to an EPO, any existing lease (written or unwritten) ceases to be joint and several and can only be terminated with the consent of both tenants. Where there is an intimate partner relationship but the victim is not named as a tenant, they shall be deemed to be a tenant upon an EPO being issued.

Alternatively, an EPO could have the effect of freezing the tenancy to allow any challenges to the EPO to be resolved.

It would be important for the landlord to be notified in a timely manner, to ensure all parties are of the same understanding.

I anticipate others may raise concerns about the potential misuse of such an amendment. However, the certificate required for termination of the lease could also be required in the circumstances noted above.

Domestic violence is characterized as epidemic in Nova Scotia. It is important that victims be supported, so that they can end an abusive relationship. The threat of losing one’s housing, especially when there are children involved, is undoubtedly a factor victims must consider when deciding to end such a relationship.

The RTA ought to provide sufficient protections so that victims are not compelled to stay in an abusive relationship to protect their housing.

Thank you for giving consideration to these submissions.

All of which is respectfully submitted,



TAMMY WOHLER
Managing Lawyer
Social Justice Office