

Stubborn tenants block Surrey widow's effort to sell Chilliwack rental property

By [Sean Boynton](#) & [Aaron McArthur](#) Global News

Posted January 12, 2021 5:36 pm

Updated January 12, 2021 5:50 pm

The family of a man who died last year trying to save his daughter from drowning have sold a home. But they have been unable to evict their tenants, who aren't paying their rent. Aaron McArthur reports – Jan 12, 2021

Seven months after [her husband drowned](#) while saving their daughter, Urooj Sheikh is still struggling to get her family's life back together.

But she's facing a major hurdle: the stubborn tenants who refuse to move out of the Chilliwack rental property she's already sold, and are blocking the new owners from taking possession.

Sheikh's husband Kashif died in June while the couple and their four children were on vacation in the Okanagan.

Kashif rushed to rescue their daughter who had fallen into the water near the Mill Creek waterfall in the Ellison area, east of the Kelowna airport. While the daughter was able to make it back to shore, Kashif was not.

Up until his death, the Surrey realtor was the prime income earner for the family, supplementing his earnings with rent from an investment property the family purchased in Chilliwack.

After Kashif passed, Sheikh quickly found herself unable to keep up with the payments on that home while also supporting herself and her children with only part-time work.

"It's very unexpected — your breadwinner is gone," she said. "All of a sudden you have this huge loss of income. I just can't afford that property."

B.C. dad drowns on Father's Day trying to save daughter – Jun 22, 2020

The home was put on the market almost immediately after Kashif's death, with the hope that the proceeds from the sale would get the family back on track.

Yet Sheikh says the tenants made the situation extremely difficult by often refusing showings while the home was listed. They would also delay or completely skip their rent payments, she alleges, forcing Sheikh to cover the shortfall through her mortgage.

The sale was ultimately completed despite the obstruction, and possession was supposed to take place at the end of January. But now the tenants are refusing to move out.

A person who said he lived in the home declined to speak with Global News Tuesday, insisting “the whole story” was being ignored.

The man took issue with the house being put up for sale so soon after Kashif’s death, saying the realtor “would never do that to us.”

Sheikh says the law is on her side.

“There’s really nothing that I have not done legally to get everything checked off,” she said. “We’ve given them enough notice, we’ve been very accommodating with them.”

A company that specializes in evictions has been hired to remove the tenants, but Sheikh says they’ve had little success.

The B.C. Residential Tenancy Branch, whose dispute resolution system has been upended by the COVID-19 pandemic, has told Sheikh an eviction hearing isn’t likely to happen until March at the earliest.

In the meantime, Sheikh is left feeling helpless at the whim of people who refuse to leave a sold property.

“I don’t know what to do,” she said. “What are we supposed to do now?”

Residential Tenancy Branch won't allow B.C. landlord to evict tenant even though he's in jail

Landlord baffled at arbitrator decision based on notice of hearing not being served properly

PAUL HENDERSON, Feb. 25, 2020 3:06 p.m.

A North Vancouver landlord is baffled by a Residential Tenancy Branch decision that won't allow him to evict a convicted killer who destroyed his suite and was arrested in a police standoff in January.

The reason Jason Jaguar Rivero can't end the tenancy agreement with his renter, Alexander Dinu Tanasescu?

Because Tanasescu is in jail so Rivero could not personally serve him with information about the hearing in accordance with the Residential Tenancy Act.

COVID-19 eviction ban keeps landlords out of their home

Published Tuesday, May 19, 2020 6:54PM PDT Last Updated Wednesday, May 20, 2020 10:24AM PDT

Couple kept out of their own home

A B.C. couple is being kept out of their own home by tenants who they say are ignoring an eviction order.

VANCOUVER -- Restrictions designed to prevent tenants from ending up homeless and becoming vulnerable to COVID-19 appear to have backfired in one case – forcing some landlords out of their home instead.

Instead of self-isolating in their own Courtenay property, Kirk and Gunn Yardley are now in a hastily rented suite. They returned to Canada to find their tenants hadn't left, and the legal eviction order they have is unenforceable.

"It's shock, absolute shock," said Gunn Yardley, who says her family is out close to \$10,000 in lost rent. "I couldn't believe that this was happening."

The couple had rented their house to tenants for a six month term to pay for a trip to Mexico. Early rent cheques came in – but then stopped.

"They kept saying there would be money coming in, but the money didn't," said Kirk Yardley. "It was a short-term lease, they said they would get out at a certain date, but they did none of that."

The Yardleys won an order of possession, which allows them to evict the tenants, in mid-March. Then came the pandemic.

Evictions were banned in most circumstances in the province as part of public health measures to limit COVID-19 transmission and to ensure that potentially sick people didn't become homeless.

But the choice in their case is between having someone who has just been abroad try to find a new home, and someone who does not need to self-isolate, Gunn Yardley said.

The Residential Tenancy Board, which decides housing matters in B.C., should have the option to allow an eviction when a landlord is returning home, she said.

They are not the first landlords to cry foul that the eviction ban is being taken advantage of by potentially unscrupulous tenants. Landlords can also not enter properties without their tenants' consent.

In one case, a Coquitlam woman could do nothing about the piles of garbage accumulating on her rental property.

A Creston, B.C. landlord returned earlier this year and found her bathroom taken apart and the toilet in pieces in the backyard. She later told CTV News the tenants left and she was able to return, but she estimated some \$75,000 in damage.

Landlords can benefit from a temporary rental supplement program, which gives each household that qualifies up to \$500 per month towards their rent.

But that program requires the tenants to apply – so if the tenant doesn't apply, the landlord is out of pocket.

The tenants in the Yardley's case sent CTV News an e-mail saying that they were "actively trying to find a place in a difficult market before the covid-19 pandemic made it essentially impossible to do so."

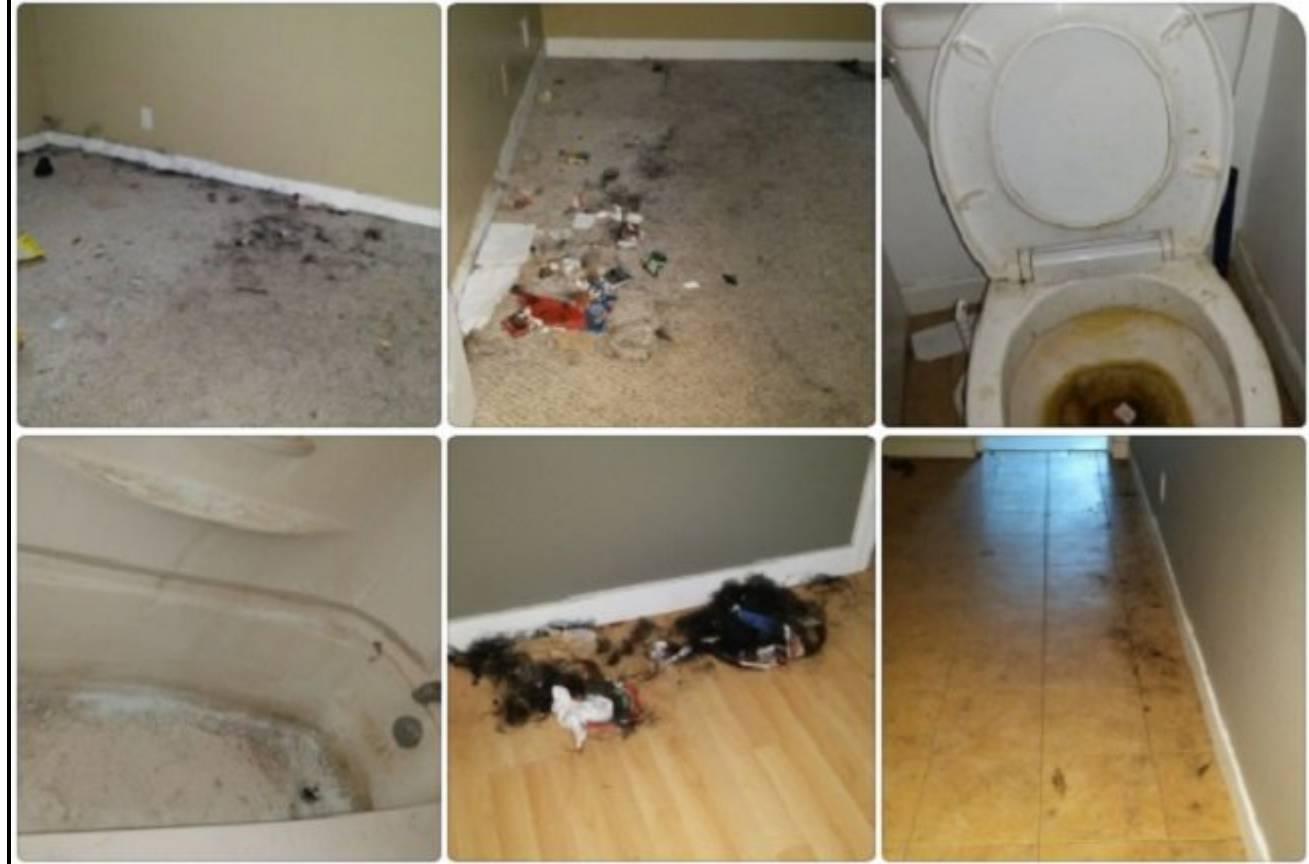
The B.C. government is standing by the eviction ban as a public health measure, which it says is protecting tenants.

"Eviction notices served before March 30 are valid, but will not be enforced during the state of emergency," a spokesperson said. "Landlords can try to work out a solution that works for both parties."

Gunn and Kirk Yardley were unable to move back into their Courtenay, B.C. home after returning from Mexico because their tenants hadn't left. Now they're living in a hastily rented suite.

B.C. rules protected ‘nightmare’ renter who trashed home and skipped a year’s rent: landlord

By [Niki Reitmayer](#) & [Simon Little](#) CKNW Posted April 18, 2018 3:36 pm
Updated April 19, 2018 4:23 pm



Tabitha Oakley says her tenant last paid rent in 2016, but the Residential Tenancy Act blocked her from forcing him out. **Tabitha Oakley**

CORRECTION: A previous version of this story quoted the landlord as saying she had to issue three eviction notices. In fact, they are legally required to give a 10-day notice. A previous version also said that the home was located in Langley. It is, in fact, located in Nanaimo.

B.C.'s NDP government has made several changes in recent months to protect the rights of tenants and targeting bad landlords.

But what about landlords who have bad tenants?

That's the question being asked by one Nanimo homeowner after a months-long encounter with what she describes as the "tenant from hell," and a provincial system she said left her family with no rights.

Tabitha Oakley and her husband are both schoolteachers in Nanaimo. They have three kids, and recently bought a home with a suite in the basement.

The problems started with their second tenant, Oakley said.

“He came with a dog, and we weren’t entirely certain if we wanted a dog. Things were great in the beginning, then it just steadily went downhill,” she told [CKNW’s The Jon McComb Show](#).

The tenant, a 20-year-old man, stopped cleaning his unit, then eventually stopped paying rent entirely in December 2016, coming up with increasingly elaborate excuses, she said.

“Some of them were crazy. He told us one time he had a heart attack and he couldn’t pay. Another time he had a vet bill that he had to pay so he wasn’t able to pay rent, he had a friend who had overdosed, so that month he was too upset to work.”

They eventually began proceedings to evict him, but Oakley said their understanding is it would take months.

“We had to show that we had given at least three notices over a six-month period for not paying rent or having rent paid late,” she said.

On that point, Greg Steves, Assistant Deputy Minister of Municipal Affairs and Housing Government says Oakley had it wrong. He says failure to pay rent is grounds for a landlord to kick a tenant out within the month.

“When a tenant isn’t paying rent, that is grounds for proceeding with an eviction, and we would expect the landlord to issue a 10 day notice to end the tenancy,” Steves said.

“And that puts a certain onus on the tenant to, within five days either pay the rent or to dispute that notice. And really the only grounds for disputing that notice would be to provide evidence they have paid the rent.

“I think what we see a lot of times is well meaning landlords who maybe allow for a late payment of rent without issuing that 10-day notice, and it just becomes this habitual pattern of late payment.”

However, Oakley said once the family did serve the tenant with notice, he still wouldn’t leave.

“So what happened then is we put paperwork in for a phone conference hearing for arbitration. That still hasn’t taken place, that’s set for May 3.”

But even that hearing wouldn’t be the end of it. Oakley said she was told that the tenant would likely receive more time if he asked for it at the hearing — and even if he lost in arbitration, he wouldn’t be required to immediately vacate by law.

“Then we apply for what’s called a writ of possession, and our understanding is that is a 90-day wait for a court hearing. If we win that, then we can apply to have a bailiff sent out to physically remove the tenant,” she said.

“So the whole process looks like seven or eight months to get him out of a suite that he hasn’t paid for.”

Things won’t arrive at that point. She said the tenant actually left on his own on Wednesday, but only after police threatened to call an animal cruelty officer to assess his dog.

Oakley said the stress of the ordeal has taken a major toll on her family. As the missed rent payments piled up, her husband was forced to take weekend construction work to help with the mortgage, and she began to look for daycare for her three-month-old child so she could end maternity leave early.

The unit was also trashed, she said.

“A nightmare. I don’t think the toilet has ever been cleaned, or the bathtub. There’s dog hair and garbage all over the suite. It’s terrible.”

Process ‘needs to be improved’

BC NDP MLA Spencer Chandra Herbert, who is chairing the government’s [new rental task force](#), acknowledged that matters can fall out of control when you have a bad tenant.

“We know there are some people who game the system and con landlords again and again and again and are basically getting off, and it’s the same as we know some landlords to do their tenants, so penalties have to be there and it has to be serious,” he said.

He said the government had introduced changes to allow for repeat bad actors to be hit with administrative penalties, but admitted there is still work to do.

He said the government wants to hear from both landlords and tenants about how to better enforce the Residential Tenancy Act, both to make it easier to evict tenants who are damaging property and to censure landlords who are breaking the rules.

“I think the process does need to be improved, clearly that’s something that’s holding some people back from renting out their suites, and the suites need to be rented,” Chandra Herbert said.

“Their fear [is] that they have somebody destroy the unit, and they feel powerless about it. You don’t want that.”

In an email to Global News, the Ministry of Municipal Affairs and Housing says it’s important to balance the rights of both landlords and tenants.

“Our government is working hard to improve the rental industry for both tenants and landlords. The Premier recently appointed a Rental Housing Task Force to look at issues facing landlords and tenants with a view to making recommendations for change,” read a statement from the ministry.

It also says the Residential Tenancy Branch has the authority to levy admin penalties in situations where landlords or tenants are “repeatedly and deliberately” contravening the act.