

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE MINISTER OF PUBLIC SAFETY AND
SOLICITOR GENERAL

Emergency Program Act

Ministerial Order No. M179

WHEREAS a declaration of a state of emergency throughout the whole of the Province of British Columbia was declared on March 18, 2020 because of the COVID-19 pandemic;

AND WHEREAS the Canada Emergency Commercial Rent Assistance program is intended to support small business tenants that have been forced to shut down or substantially reduce operations because of the COVID-19 pandemic;

AND WHEREAS measures are needed to prevent the eviction of small business tenants whose landlords would be eligible for the Canada Emergency Commercial Rent Assistance program but for the fact that they have not entered into a rent reduction agreement with a moratorium on eviction;

AND WHEREAS section 10 (1) of the *Emergency Program Act* provides that I may do all acts and implement all procedures that I consider necessary to prevent, respond to or alleviate the effects of any emergency or disaster;

I, Mike Farnworth, Minister of Public Safety and Solicitor General, order that the attached Commercial Tenancy (COVID-19) Order is made.

May 29, 2020

Date


Minister of Public Safety and Solicitor General

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Emergency Program Act*, R.S.B.C. 1996, c. 111, s. 10

Other: MO 73/2020; OIC 264/2020

COMMERCIAL TENANCY (COVID-19) ORDER

Interpretation

- 1 In this order, a “**landlord**” includes a sublandlord and a “**tenant**” includes a subtenant.

Application period

- 2 This order applies during the period that starts on the date this order is made and ends on the earlier of the following dates:
 - (a) the date on which the last extension of the declaration of a state of emergency made March 18, 2020 under section 9 (1) of the *Emergency Program Act* expires or is cancelled;
 - (b) the date after the last date for which the Canada Emergency Commercial Rent Assistance program provides assistance.

Application to leases

- 3 (1) This order applies to any lease between a tenant and a landlord who is not eligible for assistance under the Canada Emergency Commercial Rent Assistance program in respect of that tenant for the sole reason that the landlord has not, as required to be eligible for the program, entered into a rent reduction agreement with the tenant that includes a moratorium on eviction.
 - (2) Despite subsection (1), this order does not apply to a lease if
 - (a) the landlord is any of the following:
 - (i) a band as defined in section 2 (1) of the *Indian Act* (Canada);
 - (ii) the Nisga'a Nation;
 - (iii) a Nisga'a Village;
 - (iv) the Sechelt Indian Band established by section 5 (1) of the *Sechelt Indian Band Self-Government Act* (Canada);
 - (v) the Sechelt Indian Government District established by the *Sechelt Indian Band Self-Government Act* (Canada);
 - (vi) a treaty first nation;
 - (vii) the Westbank First Nation as defined in the agreement approved under the *Westbank First Nation Self-Government Act* (Canada);
 - (viii) a corporation owned by an Indigenous nation referred to in any of subparagraphs (i) to (vii), or
 - (b) the leased property is held in trust for the benefit of an Indigenous nation referred to in any of paragraph (a) (i) to (vii).

Landlords subject to prohibitions

- 4 Subject to sections 5 to 7, if a tenant and a landlord have a lease to which this order applies, the landlord must not, for the tenant’s failure to pay rent due, take any of the following actions:
 - (a) exercise any contractual or other right of re-entry to the tenant’s leased property;

- (b) give the tenant notice of re-entry or notice of termination of the tenant's lease;
- (c) distrain the tenant's property for rent due;
- (d) take any steps to rent out the tenant's leased property on the tenant's behalf.

Abandoned or deserted leased property

- 5** Section 4 does not apply to a lease if the tenant has abandoned or deserted the leased property.

Expiry of lease

- 6** (1) Section 4 does not apply to a lease whose term expired before the date this order is made.
- (2) If the term of a lease expires during the period during which this order applies, then, on the expiry of that term, section 4 ceases to apply to that lease.

Tenant's consent

- 7** A landlord may, with the tenant's consent, take any of the actions set out in section 4 (a), (b) and (d).