

To Carole James, Harry Bains, Spencer Chandra-Herbert,
Being the B.C. government MLAs/Ministers whose ridings have long-term residential-lease
buildings, c/o the Legislature

Dear Ministers and MLA

Although the attached front-page Victoria Times-Colonist report is muddled on the point, we almost 200 lessees at Orchard House tower in Victoria are tenants who have pre-paid our rent and carry the operating costs of the landlord's building. As the story details and you already knew, we are also being billed the landlord's full litigation expenses in its litigation with a single tenant/lessee among the 200. It's likely that Westsea Construction is also billing all the lessees at Sun Creek Estates in Surrey, Harry, and certainly at Westsea Towers in the West End, Spencer.

If other tenants in B.C. were being billed their landlord's litigation expenses you'd likely act quickly to amend the Residential Tenancy Act. You might even issue a Cabinet Order prohibiting the practice, then ask Spencer if he'd lead another task force to determine how this and some other issues could be resolved. Why are long-term residential lessees any different? I mean, other than Ministry of Housing staff (and the Minister?) inaccurately dismissing us as whining parties to commercial-lease contracts. Note that our leases restrict us to residential occupancy, and that our leases are standard-form contracts ('just ruled regarding nine leases by the B.C. Court of Appeal), that we had to sign without negotiation on a take-it-or-leave-it basis.

A few of us have been sued for declining to pay the landlord these outrageous billings. Yes, we might win a final court decision, although if the first superior-level court judge rules in our favour we'll have the costs and uncertainty of opposing Westsea's unlimited-spending approach when it appeals (why be reasonable or settle when you can bill your opponent your expenses?!). And even if we win on appeal, our landlord will keep the money it collected from 180-or-so lessees/tenants who did not dare defy it. If you doubt what I say, have a Ministry of Housing lawyer review this; s/he will confirm everything in short order.

I'm sorry to sound angry, Carole, Harry, Spencer, but I'm mad as Hell, and so are my distressed neighbours at Orchard House... as are lessees at Westsea Towers and the low-income folks at Sun Creek Estates who are treated like feudal serfs by Westsea Construction as that entire development is re-built at their expense (Preet has done the research, Harry). I'm also frustrated by your silence. You're busy, yes, but action on this is needed and not difficult, and certainly not a major budget item. Basic tenant protections for almost 3,000 long-term residential lessees/tenants are needed, and we don't expect you to solve all of our problems. You could be heroes if you would get the litigation billings off these people's backs! Then take some time for legislation 'next term to guide this type of housing for the balance of the lease terms.

Gerald Rotering,
Orchard House tower, suite 807
647 Michigan Street, Victoria, B.C., V8V 1S9
778-679-5855

www.OrchardHouseLeaseholder.ca