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FROM REPAIRS TO RENT HIKES

**TENANT PERSPECTIVES ON ABOVE-GUIDELINE RENT INCREASES
IN WEST BROADWAY**

by **AMANDA EMMS,**
SARAH COOPER,
and **INDIRA COWKUR**



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CANADIAN CENTRE
for POLICY ALTERNATIVES
MANITOBA OFFICE

Unit 301-583 Ellice Ave., Winnipeg, MB R3B 1Z7
tel 204-927-3200

email ccpamb@policyalternatives.ca



About the Authors

Amanda Emms is a writer, activist and CCPA research affiliate based in Winnipeg, Treaty 1 territory.

Sarah Cooper is an assistant professor of City Planning at the University of Manitoba, and a CCPA research associate.

Indira Cowkur is a PhD student in Planning and Design at the University of Manitoba.

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Executive Summary

FEELING LIKE THE system is rigged against them was a common theme for the tenants interviewed in this Manitoba Research Alliance study focused on above-guideline rent increases (AGIs) in West Broadway. In a neighbourhood of 93 percent renters, these tenants' experiences were rife with bureaucracy and power imbalances.

This study aligns with existing media and literary coverage and finds that landlords use AGIs to hike rents high above the guideline, an amount set annually by the Manitoba government. These increases blur the line between a landlord's responsibility to maintain their buildings and what expenses they can foist onto tenants. Renters have no say in the upgrades that happen to their homes, yet are being forced to pay for these changes—in perpetuity.

As seen with the Residential Tenancy Branch's history of AGI approvals, current legislation emboldens landlords and blocks tenants from appealing. Between 2019 and 2021, almost 60,000 Manitoba rental units were affected by AGIs. In 2019, the average above-guideline rent increase allowed was 10.8 percent, 11.65 percent in 2020, and 10.3 percent in 2021 (Da Silva, 2022).

Adrien Sala, NDP MLA for St. James, pushed for changes to the Residential Tenancies Act in 2021. By the spring of 2024, Lisa Naylor, Minister of Transportation and Infrastructure, introduced Bill 26. The Right to Housing Coalition, an advocacy coalition in Manitoba, met with Naylor in the fall to discuss recommendations to strengthen the bill. However, it did not make it past the first reading, and by November, the bill died in committee. The

fate of the new bill has shuffled over to Mintu Sandhu, Minister of Public Service Delivery. Meanwhile, tenants continue to be pummeled by rent hikes.

The Residential Tenancies Branch gives tenants notice when their landlord submits an AGI application. Six of the 14 tenants interviewed in the study went to the Branch to look at their landlord's accounting to stop their increases. The other eight tenants listed confusion over the process, fears of being targeted by landlords, and the investment of time as some of their barriers to appeal.

While some tenants who went to the Branch said employees tried to help, they also said there was little room to build a case. Like the renters at 149 Langside, a publicized case of West Broadway neighbours who appealed their 14.3 percent AGI during the pandemic (Waldman, 2022), tenants weren't able to meaningfully reduce their increased rents by questioning costs like the necessity of their landlord's repairs and high wages for in-house labourers.

Overall, this research highlights a disparity in power between landlords and tenants, and points to the urgency and importance of addressing AGIs to ensure tenants' security of tenure and right to housing is protected.

Introduction

THIS RESEARCH STUDY examines the rules and procedures of above-guideline rent increases in Winnipeg, Manitoba, specifically West Broadway, a neighbourhood made up of over 93 percent renters (Census, 2021). We sought to understand the experiences of tenants impacted by above-guideline rent increases (AGIs). Interviews with 14 tenants showed that above-guideline rent increases are nerve-wracking and increase housing precarity for many households; tenants also expressed concern and frustration with how the above-guideline application process seems biased in favour of the landlords.

This study finds that landlords use AGIs to raise rents above the annual rent increase guideline through repairs and upgrades. Above-guideline rent increases blur the line between a landlord's responsibility to maintain their buildings and the additional costs they foist onto tenants. Renters have no say in the changes that happen to their homes and are forced to pay for these changes in perpetuity. The biggest barrier stripping tenants of any ability to appeal is legislation coupled with a complicated bureaucratic process and unbalanced power dynamics. As seen with the Residential Tenancy Branch's history of AGI approvals, the current legislation and regulations block tenants from making a winning case. However, the impacts of AGIs affect tenants and the stability of their housing in very real and human ways.

Although West Broadway is unique in many ways, the challenges faced by its residents in finding and maintaining housing are shared by others across Winnipeg and Canada. Rental housing is owned by landlords and occupied by tenants: two groups with very different interests. For landlords, housing

is a way to increase income and build wealth; for tenants, it's a home, a basic necessity, a fundamental human right. Through the lens of above-guideline rent increases in West Broadway, this study highlights the importance of and identifies strategies to improve housing security for tenants.

Rent Regulations and AGIs

RENT REGULATIONS¹ ARE intended to reinforce security of tenure for tenants by stabilizing rents and making rent increases predictable, while also ensuring that landlords can increase rents to cover repairs, maintenance and renovations (Grant, 2011). In Manitoba, rent regulations are governed by the Residential Tenancies Act, which addresses many aspects of the tenant-landlord relationship, including tenant and landlord responsibilities, rent increases, repairs and maintenance, rental agreements, deposits, and evictions. Please see Appendix A for a visual of the AGI process and timeline.

Manitoba's rent regulations are shaped by three key components:

1. The annual **rent increase guideline** sets the maximum amount by which landlords can increase rents. The rent increase guideline is set each year by the government, based on changes to the Consumer Price Index for Manitoba. Some housing is exempt from the guideline, including various types of social housing, apartments less than 20 years old, and units renting for more than \$1,640 (in December 2024). Landlords can only increase rents once every 12 months, and must give three months' notice of any increase to the tenants. For 2022 and

¹ For more information about Manitoba's rent regulations, please visit the RTB's website: <https://www.gov.mb.ca/cca/rtb/index.html>. For more information on other provinces' rent regulations, please visit the Canadian Centre for Housing Rights: <https://housingrightscanada.com/resources/rent-control-policies-across-canada/>

2023, the rent increase guideline was set at 0 percent (a rent freeze); in 2024 the rent increase guideline was set at 3 percent, and in 2025 it is set at 1.7 per cent.

2. The **above-guideline increase (AGI)** allows landlords to increase rents beyond the guideline. Landlords can only increase rents above the guideline if they can demonstrate an increase in expenses beyond what the annual rent increase guideline will cover. There are two kinds of expenses which a landlord can claim for an AGI:

- **Operating expenses** are the ongoing costs of running a business (e.g. property taxes, utility bills, repairs and maintenance). If a landlord applies for an AGI and can show they are paying more for operating expenses compared to the previous year, 100 percent of the increased cost may be directly translated into a rent increase.
- **Capital expenses** are investments in the property (e.g. the cost of replacing a roof or buying new appliances). These costs can be amortized over a certain number of years. Landlords can claim a percentage of the capital cost as a rent increase. For example, landlords are allowed to claim 1/8 of the replacement cost of a roof and increase rents accordingly. However, even after the roof is paid off, tenants pay the new, higher rent in perpetuity.

To apply for an AGI, landlords must prove with receipts that they have already made capital improvements to the building or that their operating expenses have increased. The Residential Tenancies Branch (the government body that administers the Residential Tenancies Act) assesses AGI applications, and must also consider any comments or feedback on the application submitted by tenants. The Branch also holds hearings to mediate disputes about AGIs, and issues orders to set rents. If a tenant or landlord wants to appeal the Branch's decisions or orders, they go to the Residential Tenancies Commission (decisions made by the Commission are final). The regulations set out timelines for AGI applications (see *Figure 2*).

3. **Rent discounts** are when, through a written agreement, a landlord allows a tenant to pay less than the full rent for their rental unit. Landlords can use discounts to attract new tenants, incentivize paying rent on time and reward long-term tenants. For example, rent may be set at \$1000 per month, with a \$60 discount—in this case the tenant would pay \$940 per month. A landlord is required

to give tenants three months' notice before removing or reducing a discount. However, reducing a rent discount is not considered a rent increase. Although rent discounts are documented on leases, they are between a landlord and a tenant with no input from the Branch.

Approach and Method

THIS ANALYSIS IS grounded in a review of scholarly research, media coverage of above-guideline rent increases in Winnipeg, and qualitative interviews conducted in 2024 with 14 participants. The research team reviewed existing literature, research, and legislation related to housing policy and above-guideline rent increases, community reports centred on West Broadway, fact sheets and information provided by the Residential Tenancies Branch and the Residential Tenancies Act, and media articles. The University of Manitoba Research Ethics Board approved the study.

Interviewees

Between January and March 2024, the lead researcher interviewed 14 tenants through an informed consent process. Interviews with tenants focused on their reaction to receiving an AGI and the barriers/opportunities they faced. Of the 14 interviews, one was in-person, and the rest took place over Zoom. The interview questions were semi-structured. The average interview length was 40 minutes.

Twelve of the tenants interviewed experienced an AGI while living in West Broadway. One tenant moved to the neighbourhood after experiencing an AGI in a different neighbourhood, and one lived in Winnipeg's city centre—a few blocks away from West Broadway. Two of the tenants interviewed were roommates.

TABLE 1 Interviewee Tenancy Lengths

Years Tenants Lived in their Homes	Number of Tenants
Five years and under	7
Between 6–9 years	4
Over 12 years	1
Over 20 years	2

Tenant interviewees rented properties from Thorwin Properties, Globe Property Management, Alliance Asset Management, Sussex Realty, Houston Property, D7 Properties, and Onyx Property Management. Two tenants lived in rentals owned by individuals. Seven tenants rented apartments that changed ownership while living there. The tenants moved into these homes between the mid-1990s and 2019.

The West Broadway Tenants Committee (WBTC) was a community partner for this study. The grassroots, community-based group works to build tenant power in West Broadway. Members distributed a promotional flyer approved during the ethics process to help recruit tenants and shape the research design with their shared perspectives and experience on the AGI process. A former tenant from 149 Langside, a West Broadway building that attempted to fight against their AGI, also provided advice on the research process and interview questions.

The lead researcher distributed a poster throughout major streets and apartment-dense pockets of West Broadway. Many interviewees said they learned about this study from these posters. As an appreciation for their insights and time, the lead researcher provided tenants with a \$30 honorarium at the time of the interview. Audio recordings of interviews were transcribed using AI software and reviewed for accuracy. Names and personal information of each interviewee were omitted from this final report to preserve confidentiality.

Limitations

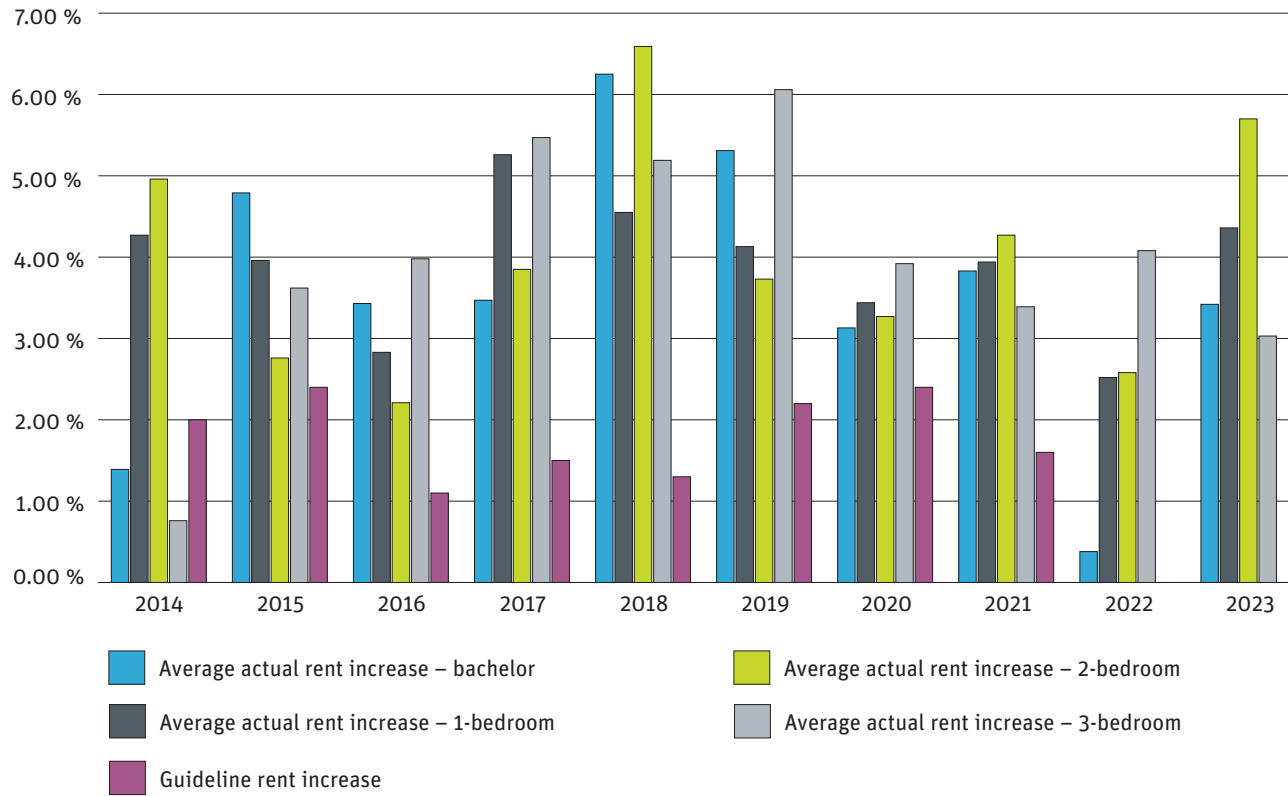
The boundaries of this study set its focus on West Broadway, a neighbourhood predominantly made up of renters. While the prevalence of AGIs has been well-documented across Winnipeg, these findings may not apply to other neighbourhoods.

Setting the Context: the West Broadway Neighbourhood

INDIGENOUS PEOPLE LIVED here for thousands of years before the formation of West Broadway. The edge of the neighbourhood follows the bend of the Assiniboine River where it leads to the Red River. In *Stolen City*, Owen Toews (2018) writes about the Métis and Anishinaabeg communities who organized in the Red River Rebellion, banding together to protect their traditional lands against the surveyors and settlers who sought to steal them. They were the first ones here, the first to organize, the first to resist. Today, Indigenous people still have a strong presence in West Broadway. In the 2021 City of Winnipeg Census, 24 percent of the neighbourhood's population identified as Indigenous, including Métis, First Nations, and Inuk (Inuit).

From the 1960s to 1981, West Broadway underwent a significant demographic shift as higher and medium-income residents left, leading to a community increasingly populated by low-income individuals and households (Anderson, 2004). This period also saw a rise in housing units needing major repairs, indicating that landlords often neglected property maintenance amid declining property values. From the 1990s into the 2000s, community organizations focused on renewal supported by government funding. Their collective efforts have helped reverse the neighbourhood's deterioration. However, the increased investment also piqued interest from landlords and

FIGURE 1 AGIs vs. Average Rent Increases in Winnipeg from 2014–2023



Note Actual average rent increases vs. rent guideline increases for units in row and apartment structures of three units and over, 2014-2023. Note that in 2022 and 2023 the Guideline rent increase was set at 0%. (Data: Statistics Canada, 2024; Residential Tenancies Branch, 2024)

developers. This has led to another evolution—the increased cost of rent and gentrification.

Today, according to 2021 Census data, West Broadway is home to 5,590 people living in 3,370 dwellings, not including unhoused residents. Compared to Winnipeg as a whole, the neighbourhood is described as low-income in the West Broadway Community Organization’s (WBCO) 2021–2026 Housing Plan (Aasland, Caporale, Driedger, Hall, 2021). In 2020, 55.2 percent of residents’ individual incomes were below \$29,000 (City of Winnipeg, 2021). A defining feature of West Broadway is its high percentage of renters, at 92.6 percent, compared to Winnipeg’s average of 36.9 per cent (City of Winnipeg, 2021). The prevalence of rental properties, including many low-rise apartment buildings and converted rooming houses, underscores the area’s vulnerability to the loss of affordable housing. The neighbourhood’s older housing stock, requiring substantial maintenance and upgrades, makes it a prime target

for AGI applications (Silver, 2006). More importantly, these applications can cover hundreds of units at once, affecting a large portion of the community.

Critics have said the Residential Tenancies Branch was the one body standing in the way of the 2022/2023 rent freeze (Froese, 2021). Amid the pandemic, the Manitoba government had set rent increase guidelines at zero percent in 2022 and 2023 to keep rents stable. The Branch has a history of approving landlords' AGIs, and tenants had little faith that it would stop. Between 2019 and 2021, almost 60,000 Manitoba units were affected by AGIs. As a result, the average above-guideline rent increase was 10.8 per cent in 2019, 11.65 per cent in 2020, and 10.3 per cent in 2021, compared with guideline increases of 2.2 per cent, 2.4 per cent, and 1.6 per cent in the same years (Da Silva, 2022). As *Figure 1* shows, average rents in Winnipeg in all sizes of units rose at higher rates than the rent guideline almost every year between 2014 and 2023.

149 Langside Street

Fighting a double-digit AGI, the tenants of 149 Langside Street became a high-profile case during the pandemic. Overseen by Onyx Property Management, the West Broadway residents received notice for a 14.3 percent above-guideline rent increase in the spring of 2022. After their hallways got a paint refresh and the carpets were ripped out for laminate flooring. Tenants started to mobilize immediately, knocking on doors to connect with their neighbours. One tenant says the property manager initially proposed a 22 percent increase—prompting them to contact the West Broadway Tenants Committee (WBTC) (Waldman, 2022).

The 149 Langside tenants worked with the WBTC to form a tenant association. Committee members helped them facilitate their first meetings where they established goals and swapped contacts to connect. They started an online petition and spoke with journalists about the renovations' futility and the rent hikes' impact. One third of the tenants submitted written objections to the Branch. Their rent increased on June 1, 2022 and two weeks later, tenants heard from the RTB that their increase was dropped from 14.3 to 13.3 percent (Waldman, 2022).

Though exhausted, they continued to organize, taking their case to the Residential Tenancies Commission. The tenants created and shared posts on social media, and organized a phone zap inviting people to call their landlord to ask them to drop the increase. In December 2022, they received

less than two weeks' notice to prepare for the Commission. Alongside their supporters, many took time off work and walked through the snow to attend a four-hour hearing where their landlord called by phone. Needing more information, the commissioner set a second meeting in March of 2023. By this point, the tenants had paid their disputed rent for ten months.

In June 2023, the Commission shared its final verdict, lowering the above-guideline rent increase at 149 Langside to 11.7 percent (RTC, 2023). By then, however, many of the tenants in the building had moved out. Referenced by many interviewees in this study, the 149 Langside organizers work still impacts the neighbourhood. Their zine *Together and Beyond: A reflection on tenant organizing at 149 Langside* was recently launched in the community.

The Broader Context of Rent Regulations: a Literature Review

THE EXPERIENCE OF the tenants at 149 Langside is, of course, not unique. When it comes to affordability and security of tenure, the Right to Housing Coalition says the impact of AGIs is immediate. Unable to suddenly afford such high rents, stable, rent-paying tenants are forced out, and the number of units with affordable rents rapidly decreases (Bernas, Cooper, Dirks, Fernandez, MacKinnon, Maes Nino, 2023). Ricardo Tranjan's book *The Tenant Class* (2023) highlights many of the themes and conversations in this study. Tranjan argues that the rigged system allows landlords to exploit tenants for profit while political leaders and homeowners sit back and let it happen.

Looking at the AGI application process in Ontario, Tranjan discusses an issue that many interviewees in this study grappled with: the unpaid time and labour that tenants must invest in appealing an AGI to prevent their rent from climbing. Corporate landlords are equipped with professional management, administrative staff, accountants, lawyers, and security. When efforts are made to gather evidence of necessary expenses and fill out paperwork, it is someone's paid job. This is in stark contrast to the tenant experience, where renters have to take time off work to attend hearings and sort through reams of paper to understand their rights. The power and resources afforded to both parties are far from equal. Tranjan also argues that the appeal process

is not an operational burden for the corporate landlords because it pays for itself. Each AGI approval generates higher rent revenue for the landlord, which is time well spent.

“There is no ‘housing crisis,’” says Tranjan (2023) in his final chapter titled *Pick a Side*. “Just good old landlords squeezing high rents from tenants. The owning class gets rich on the backs of working people. Laws allow it. Landlord and tenant boards enforce it. Cultural norms dictate that acquisition and speculation are worthy of praise, while renting past a certain age is frowned upon (p. 105).”

Housing as a generator of wealth is a rapidly increasing problem. The financialization of housing “refers to the growing role of financial firms such as private equity, pension funds, and real estate investment trusts (REITs) in the housing market. These firms acquire, operate, and develop housing as an investment strategy, with an aim to maximize return” (Homeless Hub, 2022, para. 1). Martine August (2018) highlights how the financialization of multi-family residential properties contributes to tenant displacement. August notes that factors like the deregulation of markets, the de-funding of social housing, and persistently low interest rates have converged to make the acquisition of older rental properties highly attractive for financial landlords. The primary strategy behind these acquisitions is to displace current low-income tenants, to undertake renovations, and gentrify the units. This approach not only disrupts the lives of existing tenants but also transforms the housing stock to cater to a more affluent demographic and increase the profitability of these investments.

Philip Zigman, co-founder of RenovictionsTO, adds that corporate landlords in Toronto often use above-guideline increases as a profit-maximizing strategy (Zigman & August, 2021). This strategy points to Neil Smith’s ideas about the rent gap (1979). He argued that developers/capitalists saw the difference between the actual and potential income from an area. They intentionally let a neighbourhood deteriorate to lower its value and entice developers to swoop in. The renovations and rent hikes might signal landlords capitalizing on the upswing of gentrification—a tactic that affects housing affordability and reveals a pattern of strategic use of AGIs that can displace long-term tenants and undermine community stability.

Railing against rising rents, tenants throughout Canada are organizing. An article in Maclean’s December 2023 issue, *Renters Revolt*, included Sharlene Henry, who has lived in Toronto’s Weston neighbourhood at 22 King Street for 20 years. Like the activists at 149 Langside, Henry was frustrated by the

AGIs pushing her rent beyond rent-control caps. So, she helped lead a rent strike with hundreds of fellow tenants.

“Whether AGIs are being levied to keep properties in good shape, or simply to juice profits, is an academic question for tenants barely hanging on to their homes, like many at 33 King,” writes Jason McBride. “That collective fear is making many people consider actions that until recently might have been too radical to contemplate.”

Findings

BETWEEN 2008 AND 2024, the 14 tenants in this study experienced 27 above-guideline rent increases ranging from three to 43 percent. It’s important to note that many interviewees experienced more than one AGI in their rental history. The table below shows the number of AGIs tenant interviewees experienced between 2008 to 2024:

After their interview, one tenant followed up to say they had received another AGI. Five of the tenants interviewed moved out because of an AGI—two of whom found another apartment in West Broadway with the same property management. Nine tenants continue to live in the units where they experienced an AGI.

The acute anxiety brought on throughout many stages of the AGI process was expressed by many of the tenants in this study. While digging through receipts and documenting past renovations, interviewees talked about the kind of maintenance their landlords invested in. They experienced short-term projects that “prettified” their homes while noticing that longer-term

TABLE 2 Tenant Interviewee’s Frequency of AGIs

1 AGI	6 Tenant Interviewees
2 AGIs	2 Tenant Interviewees
3 AGIs	4 Tenant Interviewees
4 or more AGIs	2 Tenant Interviewees

investments (e.g., mould, plumbing, structural and foundation issues) were left unaddressed. This section examines tenant experiences of AGIs in detail.

Barriers and Bureaucracy

“Nobody’s happy, who’s happy? Who’s happy about an increase in anything?” one tenant said when asked about their reaction to receiving an above-guideline rent increase.

Many interviewees expressed that receiving an above-guideline rent increase is a bureaucratic and complicated process. Several challenges caused them to drop in and out at different points of the AGI timeline. Due to confidential information in a landlord’s application, the Branch doesn’t give tenants copies. Instead, they must book time with an assigned officer and take handwritten notes.

Of the 14 tenants interviewed, eight did not go to the Branch to look at the files or submit comments. Barriers to doing so included the short two-week timeline and feeling overwhelmed by the AGI notice. The initial package from the Branch, which summarized their landlord’s application through a series of math equations, was enough for some to put the paper down and not go any further. As one tenant noted:

“When I first looked at it, I misunderstood what it was. I just kind of shoved it aside and forgot about it... When I finally went over there and talked to them [the Branch] probably like a month later. By the time I took any action on it, it was already too late... Kind of a bad habit I have. I don’t read my mail in time.”

Others were out of town or found it difficult to physically go to the office from Monday to Friday between 8:30 a.m. and 4:30 p.m. in their allotted two weeks. The Branch offers an opportunity to schedule outside of these hours which two tenants took up. Another noted that delays in getting information from the Branch made it difficult to respond.

“We were aghast. We did try to fight it. My roommate phoned the RTB to get the information and request the package or whatever. They laughed at her on the phone. And then we didn’t receive the package for it until after the period where you’re able to fight it. It was like three months later or something.”

A second barrier was a lack of knowledge about rent regulations and the AGI process. One tenant noted that the AGI notice was not very clear, nor was the process to complain:

“We are both people that like to research things and find things out... I could totally see someone who isn’t that sort of person, maybe not even knowing where to start or knowing that they can dispute it. Even though it says in the letter, it’s kind of in, like, legal jargon that might be difficult to understand for someone that’s not as motivated or doesn’t have an advanced degree, to be honest.”

Another tenant pointed to the difficulty of engaging with the process—of understanding the complexities of renovation costs and administrative requirements:

“It’s weird that you can just arbitrarily increase something that high. Maybe it’s not arbitrary. I guess building upgrades and whatnot. But it doesn’t really make sense. You look at the numbers that they give me. How am I supposed to make sense of any of this? The process is not aligned with allowing tenants to really be heard. It feels like it has been created to provide the illusion as if ‘Oh, good, I was able to voice my concern,’ but it seems like a front. I sound like a conspiracy theorist now, but it does feel quite useless.”

Maintaining housing was a priority for other tenants, and they didn’t want to appear to rock the boat. As one commented:

“I’m in precarious employment, let’s say. I don’t want to draw attention to myself. If I’m going to write in with my name and information about how I feel about this, that could make me a target... My suite hasn’t been renovated. My tub was refinished because it was peeling off and gross. There’s garbage, doors don’t properly lock. There’s things that are wrong with the units and the building and they aren’t rectifying those things. I would have liked to be able to tell somebody anonymously.”

Another tenant wasn’t sure what the notice was about and just agreed to maintain their housing—then realized later that it was a rent increase.

“I was clued right out. I didn’t know the caretaker very well. Didn’t talk to the property management company because I didn’t want to appear ignorant or stupid. So I didn’t say anything. I guess I bit the bullet. I didn’t even think anything of it. I just wanted to secure my apartment. So I agreed with it. It wasn’t until after that I started learning that there was supposed to be a freeze.”

Finally, even for people who have experienced AGIs before, disillusionment with the process of lodging a complaint can be a barrier:

“I do know how to fight it because I helped my mom with the same issue. She had a really high above-the-guideline increase and I tried. I helped her go to the Manitoba Tenants Branch. But it’s extremely useless. It’s a government building. They’re a government department, it’s not part of their job to advocate for tenants. We tried and it didn’t work. So I just didn’t even bother.”

Overall, for many tenants, receiving a notice of AGI results in new choices to be made: Should they just accept it and pay the increased rent? Try to move and find a cheaper place? Try to fight it? For some, working with others offered a way forward.

Tenants Banding Together

After tenants received their notice of AGI, some responded by visiting the Branch to view the files, lodge complaints, and try to fight the increase. However, the tenant interviewees had a myriad of different relationships with their neighbours. Half said they didn’t interact much with fellow tenants in their buildings. One said talking with other neighbours about their AGIs didn’t occur to them until the interview, but they thought it was a good idea. As one said:

“I try to be friendly with my neighbors. I don’t come knocking on doors or anything. But, just in passing, like, ‘Oh, how much is your rent?’ And I keep an eye on the property management company’s website to see when new units go up, what they’re going for. But in terms of fighting the above guideline increase, I did it by myself or with my partner.”

Three tenants said they worked with neighbours to appeal their AGIs. When one of them received notice of an AGI in the double digits, they went door to door with fellow tenants and found others interested in organizing. Other interviewees who collaborated with their neighbours said:

“It was like a bunch of tenants who are, you know, fairly activist-minded, we consulted with some lawyers and stuff like that. But even the lawyers seem kind of confused about how the system worked.”

“It helped that I had my above-stairs neighbour; we would meet often. But meeting about problems in the neighborhood is kind of what I like to do. If I’m not meeting and trying to come up with solutions, then I feel desperate and isolated and everything like that.”

Finding others in the same situation was helpful for these tenants—it gave them energy and a focus for their organizing work. Others preferred to conspire with the people they lived with or offered support to family. Regardless, successfully fighting an AGI is not as simple as submitting comments to the RTB.

Trying to Build a Case

“In for a penny and in for a pound. The only reason I wouldn’t make it [to the appeal hearing] is if I decided not to go,” said one of the tenants who wrote comments and appealed all three of their above-guideline rent increases.

Six interviewees went to the Branch to look at the files and build a case. These tenants reported feeling blocked - whether they argued AGIs were allowing landlords to raise their rents to unaffordable amounts, the repairs the landlords made were poor quality or unnecessary, or that it was multiple years in a row that their landlord applied for an AGI. Tenants said their appeals were stacked against the Branch’s guide for above-guideline rent increases. If landlords filled the application out correctly, the numbers stonewalled the tenants’ arguments. Two tenants decided not to submit comments after speaking with their assigned Branch officer.

“The person we spoke to at the RTB was actually quite helpful. We got the sense that he was advocating for tenants or interested in making sure tenants have their rights respected. But the way that he was so honest with us about what they’re allowed to claim definitely made me feel like it wasn’t worth actually trying to fight it because we can tell that everything in their application was legitimate.”

After going down to review the paperwork, one tenant said the Branch gave them 15 minutes to look through the entire file. Holding their hands apart, they described it as “this big stack of papers that big.” Wanting to carefully review the file, the Branch worker gave them “a bit of extra time to sort through everything.”

Reviewing the files is a complicated and detailed task. Working with fellow tenants for yet another AGI in the same building, this tenant said they tried to be extraordinarily careful calculating their landlord’s receipts. They documented the wages and hours of workers who had renovated their building, putting together a lengthy objection showing how these amounts seemed extremely padded for the work in their building. It also requires specific knowledge about rental management terms and practices. For

example, knowing the difference between operating and capital expenses was part of the learning process for another tenant. Landlords can claim the full cost of operating expenses but only a portion of capital expenses. While looking at the files, one tenant sifted through general repair receipts, searching for discrepancies. They submitted comments for an 8 percent AGI that the Branch eventually approved at 1.5 per cent. Satisfied with this decision, this tenant did not submit an appeal to the Commission.

“In the end, a lot of it came down to a lot of the stuff they’re claiming as operating was supposed to be in capital. I think that was kind of what amounted to the difference in what they were going for and what they were approved for.”

Although moving items from operating to capital expenses can lower a tenant’s above-guideline rent increase, it still impacts their rent. The Right to Housing Coalition (Bernas, 2023) compared amortization rates between Manitoba and Ontario while calculating capital expenses. Ontario amortizes the expense over 10 to 25 years, while Manitoba’s rate is three to eight years. If a Manitoba landlord paints the interior of a building, tenants pay the total amount divided over three years. However, after the paint is paid off, the rent increase stays. The tenants permanently keep paying for this expense. The result is a much higher sustained rent for Manitoba tenants.

One tenant assumed that AGIs were legislated in an era when landlords were cash-strapped and apartments fell into disrepair. But the landscape of above-guideline rent increases today has flipped that experience for tenants—perpetuating a cycle of constant construction and rising rents with little space for input or objection. Several tenants commented on the types of renovations included in their landlord’s AGI applications. In many cases, they felt that the improvements were more cosmetic than essential and that landlords were using relatively minor changes to increase rents substantially. As one tenant said:

“My biggest problem is that they can charge so much. My second biggest problem is they can do it without even causing any material improvement. There’s nothing changed about my apartment. That’s not true. They put in, without me requesting, they changed the kind of lights we have. And, of course, that went to an above-guideline increase. But there was nothing wrong with the lights we had previously.”

One tenant questioned the power dynamics in the decision-making process:

“Thinking about the 149 Langside folks and the kinds of upgrades that are made to the building. There could be more dialogue between building owners, property managers and tenants around ‘What does a building need? What do people actually want? What do they have to do?’ And if they need to explain it. It seemed to me the 149 Langside folks needed more communication about why some of these things were being done and to figure out if they even have a cause to say ‘No, thanks. We don’t want that.’”

Another pointed to the poor quality of the renovation work and how it then affected their experience of living in the house:

“It was a really cute house with brown trim that matched the front steps and fence... They came in and painted it crudely with drips of white paint all over the window trims. What’s the point of doing that? It looks hideous... All you’ve done is close the window so they don’t even open anymore... My daughter’s room, the paint on it started bubbling up because of the condensation. There was no [air] flow in the room.”

A third mentioned the landlord’s lack of attention to essential building elements, focusing instead on changes the tenants didn’t feel were necessary:

“When the apartment flooded in January. That was a big setback. Here’s the thing though, if they replaced the pipe instead of spending money on making the place look good. If they had just gotten a new pipe, it wouldn’t have flooded. The repair guy did weld it. That’s a Band-Aid on a problem... It’s nobody’s fault. It’s a natural disaster, is what it is. But it’s a safety issue. Instead we’re paying for buzzer systems, flower beds, air conditioner boxes, stuff that we didn’t order. Meanwhile, the apartment’s flooding, and the pipe should have been paid instead. That should’ve been paid first.”

After going through this process to fight three previous AGIs, one tenant said they were getting used to the procedure.

“What I’ve learned is that your financial stress or emotional distress or any kind of inconvenience to the tenants—that emotional stuff doesn’t matter. Does not matter at all. Don’t waste any time telling them about how horrible this is. The only thing that matters are the receipts and the financial expenses.”

Building a case against an AGI is difficult for tenants. There is a learning curve to understanding the files, and there is no guarantee that what a landlord thinks of as important improvements for the building will be the same as what the tenant thinks are important improvements.

Once the deadline for comments passes, the Branch reviews the original file and any submitted comments and issues an order setting the AGI. If the tenant or the landlord disagrees with the Branch's order, they can appeal to the Residential Tenancies Commission.

Going to the Residential Tenancies Commission

“That’s frankly a little terrifying because you have to actually talk in court to your landlord. I’m not afraid of public speaking, but many people are. And that feels intimidating because I was afraid this would worsen our relationship with our landlord, even though it’s not supposed to. They say they can’t hold it against you. I just felt that there would be some loophole that they would try to evict us or make it unsustainable for us to stay here.”

— *Interviewee*

To appeal the Branch's verdict on an above-guideline rent increase, three tenants went to the Residential Tenancies Commission to speak with a commissioner. This was not an easy decision: several tenants interviewed mentioned a fear of retaliation and felt intimidated to confront their landlord.

An appeal occurs in a court-like setting, with a commissioner acting as a neutral chairperson. The tenant(s) and landlord are expected to plead their case. Some tenants appreciated the option to call in, while others felt it gave their landlord a veil to hide behind. Regardless, having to point out their landlord's behaviour in front of them felt like a vulnerable position for many tenants in this study. In the past several years, two of the tenants have made multiple appeals to their AGIs. Appealing with the Commission takes place during daytime weekday hours. Tenants talked about wages lost and the time they had to invest.

For their last appeal, the tenant who had waded through company receipts felt hopeful.

“I really felt that the commissioner was listening to us. They were asking good questions. They were asking ‘what are these wages? And how much are you billing?’ I felt like we were heard.”

To give the landlord time to provide new receipts, the commissioner booked another hearing a few months later. However, the tenant did not receive the documents mailed out to them, an issue they've continued to experience. Wanting to proceed, they waived their right to postpone.

“I didn’t have a chance to look through all of that. But if I had, then I would have seen that they were only again concerned with the receipts the landlord provided. So when I say that the wages were \$50 an hour, they didn’t go into it to find out if they were actually paid \$50 an hour... They said, ‘Oh, we have the timesheets, we have what the landlord says and we’re accepting that.’”

Frustration against the lack of due diligence regarding receipts and renovations by the Branch and Commission was echoed by many tenants. Regarding the quality of repairs to their homes, there was a call for deeper investigations from the Branch. A few tenants wanted representatives to come to their homes to inspect the work claimed in their landlords’ AGI applications.

“It’s a tough one because if you put a limit on and restrict the above rent guidelines, then you’ll have property owners and landlords not wanting to do any renovations. Not wanting to increase the value of a suite at all because it will be censored... I’m really curious to see what the ideal situation would be. But I feel like a more hands-on approach from the RTB would be better... There’s people out on the street measuring with a ruler how tall my grass is to give me a fine. But for the RTB, they don’t come out.”

One tenant noted that while the renovations in their building addressed a livability issue, the increased rents were not worth it for the original tenants—and the quality of the improvement left much to be desired.

“This was, like, an 18.9 percent increase for redoing the windows. I think the original windows were from the ’60s... It would get down to 14 degrees some days in the winter because it’s so drafty. I think nobody called it in because the reasonable rent was a tradeoff. It seems very strange that they’re hiking the rents by 20 percent when you would think they could get a Hydro subsidy. This is something they need to do to make the place livable. It’s also not triple-pane glass... You still feel drafts where they put them in quickly... It was super frustrating because everything we brought up, the person running the session basically wrote it off. They reduced a little bit but that was their auditing.”

Some tenants are willing to live in units that need a little work, because the rents are affordable until the landlord decides to renovate and push the rents up. However, as another tenant pointed out, the landlord can do what they like with their property:

“I made the argument to both the Branch and the Commission. If the landlord wanted to install a golden champagne fountain in the foyer. Even

though it does nothing for the tenants, it's just a big expense. Is there any protection for the tenants in that case? The Commission was very clear. 'No.' The landlord said they're my buildings and I can do with them as I want. The Commission said, 'Yes. You can do whatever you want.' I guess the only thing that's stopping them from raising the rent is that they need to spend the money first. So they're looking to spend as much money as they can... And we end up paying that in perpetuity."

This highlights the limits to tenants' rights: although they are the ones living in the building, the landlords, as property owners, can make decisions that may have direct and negative impacts on the tenants. After receiving the verdict from the Commission, one tenant said:

"I got to tell [my neighbours] I got nothing. So that could be disheartening for those people. There's a lot of tenants who are marginal. They could go to the hearing. They could fill out the forms, but there's no real understanding of what was going on or why... He didn't improve our building, so our standard of living was improved. He just did some cosmetic improvements. And now we have to pay 20 percent more, then 30 percent more and then 20 percent more... Not a single thing he's done didn't meet their approval. It was just minor, like maybe one percent. Because he had filled out a form wrong... It wasn't a substantive change."

Tenants are at the mercy of their landlords' choices: even if the AGI makes the rent unaffordable for the tenants, they have no recourse through the RTB as long as the landlord can show receipts that justify the AGI.

Rent Discounts

While a deal inherently sounds attractive, it's not always the case for tenants receiving rent discounts. Through a written agreement, a landlord can offer a discount, allowing tenants to pay less than the full rent of their unit. This comes in handy for landlords if they can't find tenants willing to pay the full rent, if they want to attract new tenants, or want to give an incentive for tenants to pay their rent on time. However, with three months notice, landlords can remove the discount and raise the rent back to the full rate. That threat of losing a discount can weigh heavily on tenants. Some critics say rent discounts "threaten the stability of a tenancy and can act as a disciplinary tool," (Bernas, 2023). If they have issues regarding their discount, tenants

have nowhere to turn. Although rent discounts must be documented on leases, the Branch views it as an agreement between landlord and tenant.

Nine tenants interviewed currently have a rent discount. Two said they don't understand how rent discounts work. Two said their discount doesn't make much impact. One tenant said the discount was one of the reasons they moved into their new place. To keep their rent discount, another tenant had to scour the Residential Tenancies Act to learn the rules around lease renewal and notice given after a landlord tried to remove it wrongfully. Three tenants have large enough discounts that they worry they will have to move if their discount is removed, as they will no longer be able to afford their rent.

One interviewee experienced a 43 percent above-guideline rent increase, along with a steep rent discount. The official monthly rent jumped by over \$300, but the discount reduced the increase they pay to only \$80 per month. Concerned, they spoke with their tenant property manager who said they would never increase the rent that much. Ironically, the tenant was forced to move from their last apartment (with the same property management company) for renovations and a \$400 rent increase, a process known as "renoviction." While new windows, paint, flooring, and appliances were included in the 43 percent AGI application, they agreed that no one would pay the steep rent and described the building as "crumbling" due to structural issues. The tenant says they continued to receive "small and not so small increases that are buffered by the discount" which has made the impact of these increases feel small.

"The biggest challenge is the layers of opacity in relation to the discount... Your rent going up by 43 percent is crazy. That's huge. But to have this discount applied, even if you're terrified and concerned, it doesn't create a situation where you have to immediately pay X amount more next month. So you don't have that urgency. It can slip out of mind, and you're kind of soothed, lulled into this acceptance of like, 'OK, I guess it's fine. It just keeps going up a little bit."

One tenant who had lived in multiple cities in Canada had never seen a rent discount until Winnipeg. On paper, their landlord's AGI application asked for an increase of around \$20 a month—but the total rent would be much steeper for the tenant if their current fifty-something dollar discount was removed.

"I don't have money to move. If that's an \$80 increase, I have to think about what to do. It would be a huge issue for me... If they keep my discount, then

it will be a little bit better. But it's going to be an issue either way. I'm trying to think about what to do, but I'm not sure."

Worried, they asked their landlord if they would still have their discount, but were told the landlord wouldn't give an answer until the tenant's lease renewal. On the whole, tenants found rent discounts confusing and unnerving: they make rents unpredictable and, especially for those who can afford the discounted rent but not the full rent, reduce their feeling of security in their housing.

"It felt pretty backhanded because they can rescind that at any time. It doesn't make it more affordable when you know that they can take it back any time... If they wanted to actually help us out, they would not have raised our rent so much."

Losses and Consequences of Appealing AGIs

When asked if they would continue fighting their above-guideline rent increases, one tenant answered "absolutely."

All of the tenants in this study opposed the above-guideline rent increases they experienced. For many reasons, only a few made it past the many barriers throughout the appeal process. Four interviewees said they would fight again or were gearing up to appeal another AGI during or after our interview for this study. Regardless of their stamina, all expressed varying levels of disgust and frustration with the current system. From seeing only a sliver of their increase reduced to being pummeled with AGIs year after year, they often felt their appeals went unheard. One tenant struggled with the lack of feedback from the Commission and finality of the verdict. They wondered what about their comments didn't resonate personally with the commissioner and how their remarks were interpreted by current legislation in the Act. Another tenant said landlords have become emboldened to continue applying for AGIs without much to stop them. Tenants are the ones facing the consequences, leaving them worried and wondering as their rents continue to rise. As one tenant said:

"The most frustrating thing is the uncertainty. This has happened to us three times now. You never know. Every year, it feels like there's a very high chance that they could apply again. Before we get our lease renewal, there's always a lot of anxiety and fear of 'Are we going to be priced out of

our apartment this year? Are we going to have to find a new place to live?
It just doesn't really feel stable.”

For many tenants, the AGI process is very stressful and undermines their housing security. One said that:

“I really am despairing at this process. I know that I have another increase. Just between Christmas and New Year's, we got another notice under our door saying that they will be painting. They were starting January 2nd. So we didn't even get the Christmas holiday without a notice. I'm traumatized every time I walk by the door. We're always in a construction zone. They're always doing something.”

And another pointed to the pain of moving, particularly without a choice:

“It was such a horrible experience. That was the longest I'd lived somewhere. I loved living there. I loved my roommate. I loved our apartment, everything was really stable. I had a really high sense of quality of life. When we moved, it was almost like the end of an era for me. We moved to a new neighborhood.”

Another tenant discusses the impact of AGIs over a few years.

“It's only been five years and we're paying like \$400 more in rent. So it feels a bit exploitative that they can increase rent that much... We've both gotten higher paying jobs since then but I don't think my salary has increased that much proportionally to the amount of increased rent that we're paying.”

These stories highlight the social and emotional impacts of AGIs. Beyond the financial consequences, many tenants described the stresses of trying to fight an AGI, of being forced to move, of feeling like they are living in a precarious situation because they never know if their housing costs will increase. Especially for tenants who have limited income and limited expertise in navigating legal systems like rent regulations, facing off against landlords with staff trained and paid to deal with these procedures can be intimidating. However, there is no mechanism in the AGI process for acknowledging or addressing these impacts.

Unequal Ground: AGI Power Imbalances

THIS STUDY HIGHLIGHTS a disconnect between the rights of the renters who are fighting to stay in their homes and neighbourhood, and the landlords who profit off of regulations that regularly bend in their favour. Much like the Toronto activists interviewed in Maclean's *Revenge of the Renter* (McBride, 2023), determining whether AGIs maintain properties or squeeze profits for renters in the Winnipeg neighbourhood of West Broadway is beside the point - neither does much for the tenants who can barely afford rent each month. For the 14 tenants in this study, AGI experiences were rife with bureaucracy and power imbalances. Tenants raised concerns over how one government body can equally serve two groups with such opposing interests.

The power dynamic between landlord and tenant is inherently unbalanced. Tenants questioned how the Branch could equally represent both parties, and made strong cases for how it doesn't. Some called for anonymity when appealing an AGI, fearing repercussions from a landlord as too much of a deterrent to get involved. Many called for a deeper vetting process, stronger monitoring, and more investigations when it came to the Branch's role in approving landlord's AGIs applications. They called for a Branch whose curiosity and due diligence extended beyond balancing a pile of receipts. They want officers to actually go and look at the quality of repairs in their buildings, question landlords' spending habits and do something about

tenant statements like “we didn’t ask for these repairs” and “we can’t afford these rent hikes.”

The landlords hold the power, and the tenants pay for the above-guideline rent increases (AGIs) process with little autonomy. Matthew Desmond lays these power dynamics bare in his 2016 book *Evicted*, where he followed eight families’ harrowing experiences as renters in Milwaukee.

“The annual income of the landlord of perhaps the worst trailer park in the fourth-poorest city in America is 30 times that of his tenants working full-time for minimum wage and 55 times the annual income of his tenants receiving welfare or SSI. There are two freedoms at odds with each other: the freedom to profit from rents and the freedom to live in a safe and affordable home,” says Desmond (2016).

Desmond believes in balancing these two freedoms. He wants to expand and revamp the American housing voucher program to benefit all low-income families, allowing them to spend a maximum of 30 percent of their income on housing while the voucher covers the rest. In Canada, the Social Housing and Human Rights coalition also advocates for rents set at no more than 30 percent of household income. The coalition has called on the federal government for more investment in social housing, including the creation of 50,000 net new rent-g geared-to-income social housing units each year for ten years.

As Ricardo Tranjan writes in *The Tenant Class* (2023), landlords are extracting profits off the backs of tenants. With AGIs, it’s the landlords who hold the power and dictate what repairs and upgrades happen to these apartment buildings while the people living there not only have no say in these decisions, but are the ones paying for it. This was the point of contention for many of the tenants interviewed in this study. They had no control over the renovations taking place in their homes while knowing each “upgrade” could bring in a rent increase. The types of renovations were questioned by many of them. From crumbling foundations to mouldy bathrooms, tenants watched their landlords choose cosmetic renovations over essential, raising their rents over relatively minor or unwanted changes. Tenants described the worry they felt when they saw a note stuffed under their door, the dread of seeing a maintenance crew ascend on their suite and the compulsion to hold back on reporting actual problems. As one interviewee put it, if they had to choose between living in a chilly apartment in the winter and cheap rent—they opted for extra sweaters. Receiving a large AGI to replace their windows and still having a cold apartment is a bitter pill. Tenants wondered about Hydro subsidies, fumed over shoddy paint jobs and described the

consequences of overlooked structural repairs in favour of prestige renovations. In sum, tenants had no control over their lived environment. They were subject to the whims of their landlords, and regularly paid the price on their monthly rents.

Conclusion and Looking Forward

IN 2024, THE Manitoba government introduced Bill 26 which proposed concrete steps towards limiting AGIs through changes to the Residential Tenancies Act. This included reducing a landlord's ability to claim increases in operating costs in AGI applications and limiting eligible capital expenses. The Right to Housing Coalition in Manitoba supported these amendments to the Residential Tenancies Act and brought forward recommendations to strengthen the bill. Drawing from the coalition's *A Social Housing Action Plan for Manitoba* (2023), this includes aligning Manitoba's three to eight years amortization rates for capital expenses with Ontario's, which are spread out over 10 to 25 years. Currently, Manitoba's short amortization rates result in very large rent increases compared to Ontario's. Other recommendations include phasing out rent discounts due to their unpredictability and removing the rent-based exemption (currently units above \$1,640/month are not protected by rent regulations) so that all units are protected by rent regulations regardless of their legal rent.

Many of the challenges faced by the tenants in this study collided with current legislation fostering the relentless approvals of AGIs. Yet the provincial government let Bill 26 die in November of 2024. It has now changed hands from Lisa Naylor, Minister of Transportation and Infrastructure who introduced the Bill, to Mintu Sandhu, Minister of Public Service Delivery. The bill will need to be reintroduced in March of 2025, years after Adrien

Sala, MLA for St. James first called for change in 2021. All the while, another heritage apartment in West Broadway gets its hallways splashed with paint, its wood flooring ripped up for laminate. Landlords calculate receipts and tenants prep for large rent increases past the guideline.

When presented with an above-guideline rent increase, a tenant has two choices: ignore it or fight. Like many of the reports from local media outlets and housing experts, the tenants in this study found neither proved to be a sure bet to stop their rents from climbing. AGIs have become a loophole for landlords to tack on rent increases above the guideline. This study spoke with West Broadway tenants who also faced barriers and breakdowns in a system helmed by the Residential Tenancies Branch, including the complicated paper trail following an AGI, to the two-week time frame for tenants looking at comments, to the strict weekday time slots for those wanting to fight.

Tenants' frustrations against a broken bureaucratic system align with renters throughout Canada—many who are organizing to push back against their landlords. From the rent strikers in Toronto to the Vancouver Tenants Union to the organizers at 149 Langside, more tenants are turning to activism to combat soaring rents and derelict living conditions. Some West Broadway Tenants Committee members are still active, taking part in the West Broadway Community Land Trust and a zine workshop exploring systems thinking and tenant resistance. As for legislation changes to limit AGIs and strengthen rent regulations, Right to Housing's Residential Tenancies Act Working Group continues to organize.

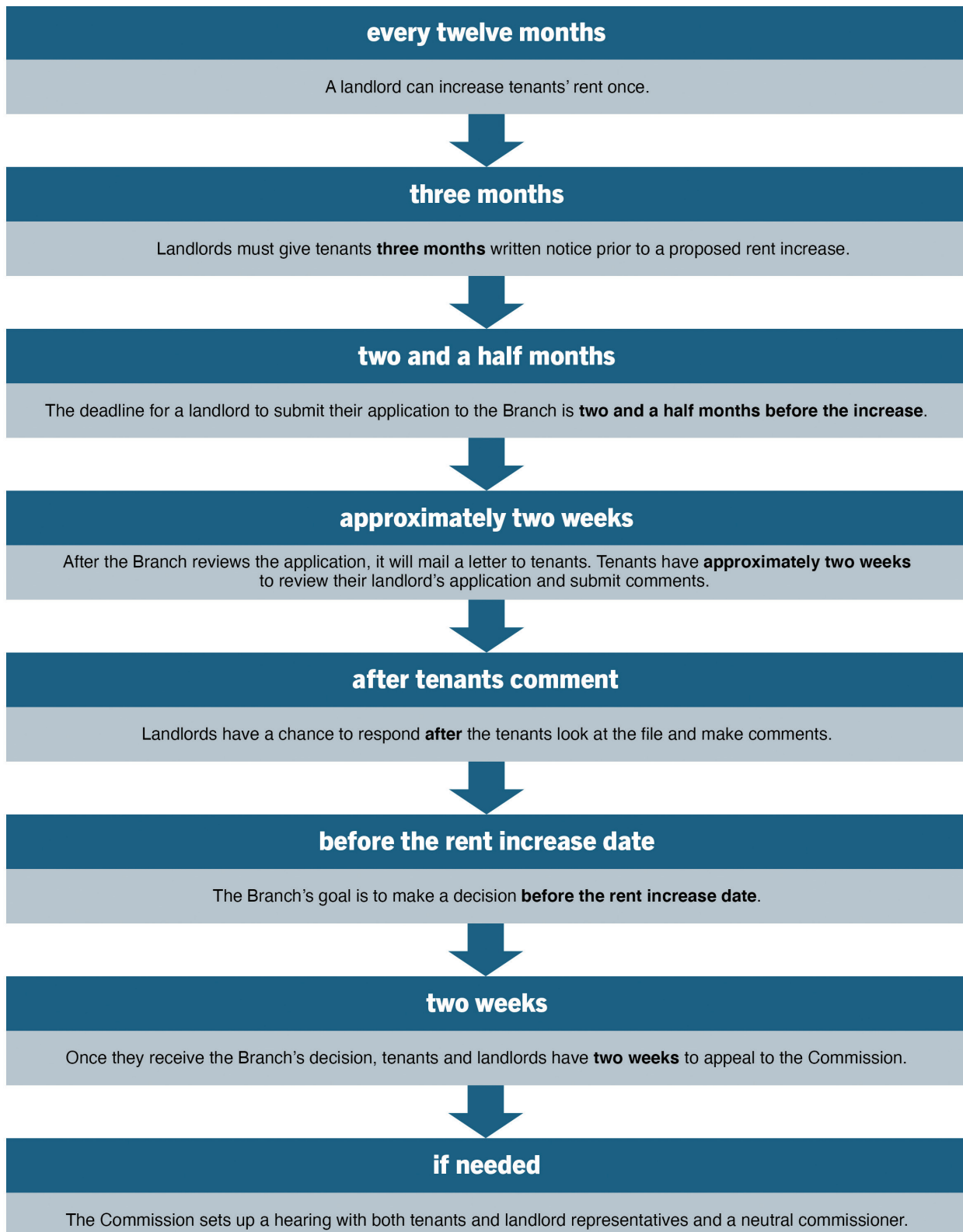
Current systems and legislation surrounding above-guideline rent increases are failing all renters of private market apartments, including the ones in West Broadway. This study spotlights stories of tenants facing these calculated rent hikes. Some have worked alone or banded together doing the work to push against a large complicated system, and many have been forced to move away or adjust their budgets. All are exhausting and unjust realities for anyone who rents. Whatever path we take to climb out of this mess, we need solutions steeped in distributing more power to tenants.

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APPENDIX A AGI Timeline and Process





CCPA

CANADIAN CENTRE
for POLICY ALTERNATIVES
MANITOBA OFFICE