

**Westbank First Nation  
Residential Premises Law No. 2008-03**

**CONDITION INSPECTIONS  
REGULATION "B"**

**1. Interpretation**

1.1 In this regulation:

- (a) "**arbitrator**" means an arbitrator appointed under Part IV of the Law;
- (b) "**Law**" means the WFN Residential Premises Law No. 2008-03;

**2. Rental Unit To Be Empty**

2.1 The landlord and tenant must complete a condition inspection described in section 29.3 or 31.3 of the Law when the rental unit is empty of the tenant's possessions, unless the parties agree on a different time.

**3. Tenant May Appoint an Agent**

- 3.1 The tenant may appoint an agent to act on his or her behalf to attend a condition inspection and sign a condition inspection report described in section 29.3 or 31.3 of the Law, and:
- (a) The tenant must advise the landlord, in advance of the condition inspection, that an agent will be acting for the tenant in respect of the condition inspection and condition inspection report;
  - (b) The landlord must not accept an appointment or act as the tenant's agent.

**4. Scheduling of the Inspection**

- 4.1 The landlord and tenant must attempt in good faith to mutually agree on a date and time for a condition inspection.
- 4.2 A condition inspection must be scheduled and conducted between 8 a.m. and 9 p.m., unless the parties agree on a different time.

**5. Two Opportunities for Inspection**

- 5.1 A landlord must offer to a tenant a first opportunity to schedule the condition inspection by proposing one or more dates and times.
- 5.2 If the tenant is not available at a time offered under section 5.1:

- (a) the tenant may propose an alternative time to the landlord, who must consider this time prior to acting under paragraph (b), and
- (b) the landlord must propose a second opportunity, different from the opportunity described in section 5.1, to the tenant by providing the tenant with a notice in the approved form.

5.3 When providing each other with an opportunity to schedule a condition inspection, the landlord and tenant must consider any reasonable time limitations of the other party that are known and that affect that party's availability to attend the inspection.

## **6. Condition Inspection Report**

- 6.1 The landlord must give the tenant a copy of the signed condition inspection report:
- (a) of an inspection made under section 29. of the Law, promptly and in any event within 7 days after the condition inspection is completed, and
  - (b) of an inspection made under section 31. of the Law, promptly and in any event within 15 days after the later of:
    - (i) the date the condition inspection is completed, and
    - (ii) the date the landlord received the tenant's forwarding address in writing.
- 6.2 The landlord must use a service method described in the Law for the service of documents.

## **7. Disclosure and Form of the Condition Inspection Report**

- 7.1 A condition inspection report must be:
- (a) in writing;
  - (b) in type no smaller than 8 point; and
  - (c) written so as to be easily read and understood by a reasonable person.

## **8. Standard Information that Must be Included in a Condition Inspection Report**

- 8.1 A condition inspection report completed under section 29.3 or 31.3 of the Law must contain the following information:
- (a) the correct legal names of the landlord, the tenant and, if applicable, the tenant's agent;
  - (b) the address of the rental unit being inspected;
  - (c) the date on which the tenant is entitled to possession of the rental unit;
  - (d) the address for service of the landlord;
  - (e) the date of the condition inspection;
  - (f) a statement of the state of repair and general condition of each room in the rental unit including, but not limited to, the following as applicable:
    - (i) entry;
    - (ii) living rooms;
    - (iii) kitchen;
    - (iv) dining room or eating area;
    - (v) stairs;
    - (vi) halls;
    - (v) bathrooms;
    - (vi) bedrooms;
    - (vii) storage;
    - (viii) basement or crawl space;
    - (ix) other rooms;
    - (x) exterior, including balcony, patio and yard;
    - (xi) garage or parking area;
  - (g) a statement of the state of repair and general condition of any floor or window coverings, appliances, furniture, fixtures, electrical outlets and electronic connections provided for the exclusive use of the tenant as part of the tenancy agreement;
  - (h) any other items which the landlord and tenant agree should be included;
  - (i) a statement identifying any damage or items in need of maintenance or repair;

(j) appropriate space for the tenant to indicate agreement or disagreement with the landlord's assessment of any item of the condition of the rental unit and contents, and any additional comments;

(k) the following statement, to be completed by the tenant:

I, .....  
Tenant's name

agree that this report fairly represents the condition of the rental unit.

do not agree that this report fairly represents the condition of the rental unit, for the following reasons:

.....  
.....;  
.....  
.....

(l) a space for the signature of both the landlord and tenant.

8.2 In addition to the information referred to in section 8.1, a condition inspection report completed under section 29.3 of the Law must contain the following items in a manner that makes them clearly distinguishable from other information in the report:

- (a) a statement itemizing any damage to the rental unit or residential property for which the tenant is responsible;
- (b) if agreed upon by the landlord and tenant,
  - (i) the amount to be deducted from the tenant's security deposit,
  - (i) the tenant's signature indicating agreement with the deduction, and
  - (i) the date on which the tenant signed.

**9. Evidentiary Weight of a Condition Inspection Report**

9.1 In dispute resolution proceedings, a condition inspection report completed in accordance with this Part is evidence of the state of repair and condition of the rental unit or residential property on the date of the inspection, unless either the landlord or the tenant has a preponderance of evidence to the contrary.