

**\*Live Streaming/Telecast:** Please note that all Committees, Task Forces, Council Meetings, and Public Hearings held in the Council Chamber are being recorded and broadcasted as well included on the City's website at: [www.whiterockcity.ca](http://www.whiterockcity.ca)

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THE CORPORATION OF THE  
**CITY OF WHITE ROCK**  
15322 BUENA VISTA AVENUE, WHITE ROCK, B.C. V4B 1Y6

**ON TABLE see page 76**

January 22, 2020

A MEETING of the **GOVERNANCE AND LEGISLATION COMMITTEE** will be held at the **WHITE ROCK COMMUNITY CENTRE (HALLS A/B/C)** located at **15154 Russell Avenue, White Rock, BC**, on **JANUARY 27, 2020 at 5:00 p.m.** for the transaction of business as listed below.

T. Arthur, Director of Corporate Administration

## **A G E N D A**

**1. CALL TO ORDER**

**2. ADOPTION OF AGENDA**

**RECOMMENDATION**

THAT the Governance and Legislation Committee adopt the agenda for January 27, 2020 as circulated.

**3. ADOPTION OF MINUTES**

**Page 2**

a) December 16, 2019

**RECOMMENDATION**

THAT the Governance and Legislation Committee adopt the December 16, 2019 meeting minutes as circulated.

**4. OPTIONS FOR TENANT ASSISTANCE DURING REDEVELOPMENT AND RENOVATION**

**Page 7**

Corporate report dated January 27, 2020 from the Director of Planning and Development Services titled "Options for Tenant Assistance During Redevelopment and Renovation".

**RECOMMENDATIONS**

THAT the Governance and Legislation Committee:

1. Receive for information the corporate report dated January 27, 2020 from the Director of Planning and Development Services titled "Options for Tenant Assistance During Redevelopment and Renovation"; and
2. Provide direction on changes to Council Policy 511: Density Bonus / Amenity Contribution Policy, Council Policy 514: Tenant Relocation Policy, and Council Policy 516: Renovation and Relocation Policy.

**5. CONCLUSION OF THE JANUARY 27, 2020 GOVERNANCE AND LEGISLATION COMMITTEE MEETING**

**PRESENT:** Councillor Fathers, Chairperson  
Mayor Walker  
Councillor Chesney  
Councillor Johanson  
Councillor Kristjanson  
Councillor Manning  
Councillor Trevelyan

**STAFF:** D. Bottrill, Chief Administrative Officer  
T. Arthur, Director of Corporate Administration  
C. Isaak, Director of Planning and Development Services  
E. Stepura, Director of Recreation and Culture  
D. Kell, Manager of Communications and Government Relations  
S. Lam, Deputy Corporate Officer

Press: 0  
Public: 1

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1. **CALL MEETING TO ORDER**  
The meeting was called to order at 5:00 p.m.

2. **ADOPTION OF AGENDA**

2019-G/L-154

**It was MOVED and SECONDED**

THAT the Governance and Legislation Committee adopts the agenda for December 16, 2019 as circulated.

**CARRIED**

3. **ADOPTION OF MINUTES**

- a) October 11, 2019 – Worksafe BC
- b) October 29, 2019 – Committee Procedures
- c) November 18, 2019
- d) November 27, 2019 – Planning Procedures

2019-G/L-155

**It was MOVED and SECONDED**

THAT the Governance and Legislation Committee adopts the following meeting minutes as circulated:

- a) October 11, 2019 – Worksafe BC;
- b) October 29, 2019 – Committee Procedures;
- c) November 18, 2019; and
- d) November 27, 2019 – Planning Procedures.

**CARRIED**

4. **COMMUNITY AMENITY CONTRIBUTION FORUM FORMAT**

The Committee discussed the format for the Community Amenity Contribution (CAC) Forum anticipated for the New Year (January 20, 2020 / to be conducted “In House”, 5:30 p.m. to 7:30 p.m.)

The Committee noted the following:

- It will be important to start with context information for those in attendance to understand what CAC’s are, where they come from and what they can be used for
- Encourage participation, concentrate on further ways to engage the public
- Would like to see some eye catching ads for it, try to reach more people (ex: How would you spend \$6M)
- Would like to see amounts or estimates included with the various projects noted
- There be “storyboards” to note the possible projects to consider use of CAC funds, so the public have opportunity to understand the context
- Would be able to see ideas as they come into the forum, staff can collate them and they can be discussed
- Would like to see a mechanism to vote on the various items
- Encourage people to fill in survey forms
- Potential for matching grants to be noted on the “storyboard” information
- Contact points be made at the City facilities including the library, surveys to be provided so those who want to participant this way can again a way to reach more persons
- Would like this to be more of a charrette style format, tables with a facilitator at each table

2019-G/L-156

**It was MOVED and SECONDED**

THAT the Committee directs that the public forum in regard to Community Amenity Charges (CAC’s) scheduled for 2020 be scheduled with the following aspects:

- round tables with facilitators (charrette style)
- Presentation at the start with context information for those in attendance to understand what CAC’s are, where they come from and what they can be used for.

**CARRIED**

5. **PROPOSED MARINE DRIVE TASK FORCE VISIT TO WHITE ROCK SISTER CITY: LA CONNER**

Discussion stemming from Marine Drive Task Force regarding a possible visit to La Conner.

Discussion comments included:

- Would like to see this as a Council to Council session, not the Committee members going to speak on behalf of White Rock

- One of the main purposes of going is to view firsthand how the City of La Conner created their ambiance, look for ways to bring ideas back that can be utilized in White Rock
- Opportunity to reaffirm the Sister City relationship, Council to Council as the new City Council have not yet met with La Conner

2019-G/L-157

**It was MOVED and SECONDED**

THAT the Committee directs that the topic of a Council visit to meet with the Council of the Sister City of La Conner be forwarded to the Marine Drive Task Force and the Economic Investment Committee so they can outline any questions / comments that can be addressed by Council at a future Council to Council meeting.

**CARRIED**

It was noted that staff would work toward a date in the New Year for a possible Council to Council session with the Council of their sister City, La Conner, Washington USA including details of travel etc.

6.

**SOCIAL MEDIA POLICY UPDATE FOR THE CITY OF WHITE ROCK**

Corporate report dated December 16, 2019 from the Director of Corporate Administration titled “Social Media Policy Update for the City of White Rock”.

The Manager of Communications and Government Relations outlined the information within the corporate report and referenced the following “On-Table” examples:

- Social Media posts; and
- Google Analytics for the City’s Website.

Discussion comments included:

- Tips or Guidelines to be placed in the Social Media Policy or as a separate policy so there is clear and uniform guidance (ex. when Council are responding as private citizen that it is clear)
- Pier Cam is one of the most viewed aspects of the City’s website
- It was noted that people are responding well to the OCP information
- It was noted on the page of the Pier Cam on the website that only ½ the page is being utilized, staff will look into this
- Amount of time spent on Social Media is approximately 1.5 hours per day, there could be more but there is a question of how much staff time there is for this along with other tasks
- The same comment applies to how much time there is spent on the website
- Communications ensures City standards are kept and when more time is spent they can ensure the information remains fresh and current. The City departments do not have the labour to give the website the same attention
- It was clarified that there are two (2) full time staff and one (1) Temporary Full Time staff person



- If the department were to have only two (2) full time staff, the current standards and some of the new initiatives will not be all attainable (with one less person)
- Will have to weigh this consideration with the entire City budget

2019-G/L-158

**It was MOVED and SECONDED**

THAT the Governance and Legislation Committee

1. Receives for information the corporate report dated December 16, 2019, from the Director of Corporate Administration titled “Social Media Policy Update for the City of White Rock”; and
2. Endorses the social media policy as attached in Appendix A and direct staff to develop Social Media Guidelines for internal use that allow collaborative engagement.

**CARRIED**

7.

**BUSINESS LICENSING APPROACH FOR PASSENGER DIRECTED VEHICLE SERVICES**

Corporate report dated December 16, 2019 from the Director of Planning and Development Services titled “Business Licensing Approach for Passenger Directed Vehicle Services”.

The Director of Planning and Development Services outlined the information within the corporate report.

Discussion comments included:

- Any contractor coming in to work in the City is required to obtain a business licence
- Universal Business License – all municipalities, a regional approach

**Meeting Recess**

The Chairperson recessed the meeting for a break until after the conclusion of the Regular Council meeting later in the evening.

**Meeting Reconvened**

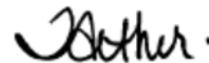
The Chairperson reconvened the meeting at 9:14 p.m. and noted that the remaining items from the agenda will come forward to the next Governance and Legislation Committee meeting.

The following items will be addressed at the next Governance and Legislation Committee meeting:

- **BUSINESS LICENSING APPROACH FOR PASSENGER DIRECTED VEHICLE SERVICES**  
(Discussion occurred on the topic however the Committee did not consider the recommendation as outlined in the corporate report)
- **FIRST NATION ACKNOWLEDGEMENT AT COUNCIL MEETINGS**
- **LEAN GOVERNMENT STUDY – COUNCILLOR MANNING**
- **COUNCIL AND COMMITTEE PROCEDURE BYLAW**
- **COUNCIL POLICY NO. 111: ORDER OF PROCEEDINGS**
- **POLICY REVIEW**
- **PLANNING AND DEVELOPMENT SERVICES (500 SERIES)**
- **RECREATION AND CULTURE POLICY NO. 708 – PUBLIC ART**
- **HUMAN RESOURCES POLICY NO. 401 – EMPLOYEE RECOGNITION PROGRAM**
- **COUNCIL MEMBER VOTING RECORDS**
- **UBCM CHILD CARE PLANNING PROGRAM GRANT**

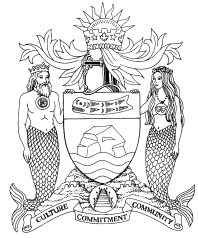
14. **CONCLUSION OF THE DECEMBER 16, 2019 GOVERNANCE AND LEGISLATION COMMITTEE MEETING**  
The Chairperson declared the meeting concluded at 9:14 p.m.

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Councillor Fathers, Chairperson



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Tracey Arthur, Director of  
Corporate Administration

THE CORPORATION OF THE  
**CITY OF WHITE ROCK**  
CORPORATE REPORT



**DATE:** January 27, 2020

**TO:** Governance and Legislation Committee

**FROM:** Carl Isaak, Director, Planning & Development Services

**SUBJECT:** Options for Tenant Assistance During Redevelopment and Renovation

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**RECOMMENDATIONS**

THAT the Governance and Legislation Committee:

1. Receive for information the corporate report dated January 27, 2020 from the Director of Planning and Development Services titled “Options for Tenant Assistance During Redevelopment and Renovation;” and
  2. Provide direction on changes to Council Policy 511: Density Bonus / Amenity Contribution Policy, Council Policy 514: Tenant Relocation Policy, and Council Policy 516: Renovation and Relocation Policy.
- 

**INTRODUCTION**

The purpose of this report is to provide the Committee with an analysis of the City’s tenant assistance-related policies in comparison with leading Metro Vancouver municipalities, and to offer an opportunity for the Committee to have a broad discussion regarding how they would like the City to use its authority to balance support for tenants in rental buildings with the need to renew aging buildings through appropriate repairs and redevelopment. This report also introduces, for discussion purposes, proposed changes to the Council policies on amenity contribution (Policy 511), tenant relocation (Policy 514) and renovation and relocation (Policy 516).

On December 16, 2019, Council passed the following resolution:

THAT Council directs staff to bring forward a corporate report regarding City Policies 514 and 516 with a complete comparison of information to those adopted by other municipalities such as the City of Port Coquitlam and the City of Burnaby and outline any possible “gaps” in the City’s noted policies that others may include and, could work for the City of White Rock, to help strengthen Policies 514 and 516. [2019-605]

Previously, at the September 30, 2019 Land Use and Planning Committee (LUPC) meeting, the committee discussion and resolutions regarding the development application at 1485 Fir Street to redevelop an existing rental building indicated that the LUPC is supportive of increasing the supports provided to existing tenants when their buildings are redeveloped, beyond the levels currently mandated by Policy 514. The LUPC resolution indicated that there may be support for reducing the amenity contribution requirements under Policy 511 in order to enhance the support for tenants.

Staff have been in contact with the applicant for 1485 Fir Street to determine the possibility for enhanced tenant support in that instance. Given that these policies would apply to future applications to redevelop rental buildings, it is advisable that Council also update the policies which would also apply to other applications. This would provide appropriate guidance to applicants on the expectations of the City. The 1485 Fir Street applicant has stated that they are supportive of the proposed policy changes in this corporate report.

The primary changes to the policies, which are interrelated, are to:

- meaningfully increase the compensation paid to displaced tenants;
- reduce the rent for returning tenants; and
- reduce the amount of amenity contribution sought by the City in exchange/recognition for the reduced rents and increased compensation.

Other structural changes are proposed to the amenity contribution policy to reflect the current Council Strategic Priorities document, the full list of eligible amenities outlined the Community Amenity Reserve Fund Bylaw, and to introduce a simplified target contribution rate for setting the basis for amenity contribution negotiations in the Town Centre Transition and Waterfront Village land use designations.

The changes proposed to the Density Bonus / Amenity Contribution Policy would be intended to be further updated following analysis of the public input received at the Community Amenity Contribution Forum held on January 20, 2020. The proposed update in this corporate report provides an opportunity for the Committee to discuss and amend the policy in advance to reflect changes that have occurred since the last amendment to the policy in June 2017.

## **PAST PRACTICE / POLICY / LEGISLATION**

### *White Rock Official Community Plan*

The overarching goal for Housing in the Official Community Plan (OCP) is that “The City of White Rock has a mix of housing choices that are appropriate and affordable for residents at various stages of their lives.”

Policy 11.2.1(f) in the Housing Section of the OCP is intended to support new affordable and rental housing, especially in transit-accessible locations, by “requiring a minimum one-to-one replacement of the existing rental dwelling units when an existing rental building is proposed for redevelopment, with the average unit size of the replacement units at least 80% that of the units being replaced.”

Policy 11.2.3 of the OCP is to “establish a tenant relocation policy to support those affected by redevelopment of existing rental housing. Plans for relocating existing residents will be the responsibility of the developer.” Policy 514: Tenant Relocation Policy was adopted in June 2018 in accordance with this OCP Policy.

### *Existing Council Policies*

- The Tenant Relocation Policy (Policy 514) was introduced and adopted by Council on June 11, 2018.
- The current Density Bonus / Amenity Contribution Policy (Policy 511) was originally adopted by Council on April 15, 2013, and last amended on June 28, 2017.
- The Renovation and Relocation Policy (Policy 516) was introduced at the Governance and Legislation Committee meeting on November 4, 2019 and endorsed by Council on November 18, 2019.

### *Council/Committee Resolutions*

At the September 30, 2019 Land Use and Planning Committee meeting, the following motion was passed in relation to a proposed redevelopment of a rental building at 1485 Fir Street:

THAT the Land Use and Planning Committee refers the report back to staff for a revision that permits existing tenants to return to the building after construction at the same rent they are currently paying, subject to the per annum increases; and

THAT the proposed Community Amenity Contributions be reduced further in recognition for keeping the current rent. [2019-LU/P-025]

At the December 16, 2019 Regular Council meeting, the following motion was passed:

THAT Council directs staff to bring forward a corporate report regarding City Policies 514 and 516 with a complete comparison of information to those adopted by other municipalities such as the City of Port Coquitlam and the City of Burnaby and outline any possible “gaps” in the City’s noted policies that others may include and, could work for the City of White Rock, to help strengthen Policies 514 and 516. [2019-605]

### *Residential Tenancy Act*

Section 49 of the *Residential Tenancy Act* provides the conditions under which a landlord may provide notice to end a tenancy and require the unit to be vacant for the landlord’s use of the property.

Section 51 of the *Residential Tenancy Act* outlines the minimum compensation that is payable to a tenant who has received a notice to end a tenancy under the provisions of Section 49.

The above sections of the RTA are included as Appendix D, and the entire RTA is accessible at the following website: [http://www.bclaws.ca/civix/document/id/complete/statreg/02078\\_01](http://www.bclaws.ca/civix/document/id/complete/statreg/02078_01).

### **ANALYSIS**

#### *‘Renoviction’ versus ‘Demoviction’*

There are two scenarios in which tenants may be required to leave their dwelling unit due to physical changes to the building (per section 49(6) of the *Residential Tenancy Act*):

1. Renovation: where the building alterations are so extensive that it is not possible to live in the unit or be relocated within another unit in the building, and the landlord requires the unit to be vacant; or
2. Demolition: where the building/unit is going to be demolished entirely (typically to allow for the development of a new building on the property).

These reasons for ending a tenancy relate to different City processes and approval requirements, which has implications for the options that the City has to control them.

In the case of renovation for a multi-unit building, typically all that is required is a Building Permit and/or Plumbing Permit, as applicable, and in some cases where the work is only electrical, the City is not directly involved as electrical permits are issued by Technical Safety BC. Building and Plumbing Permits are not discretionary approvals or approved through Council, and if an applicant submits a complete application that is in conformance to the Zoning Bylaw and applicable Code, staff must issue the permit. Any compensation that is owing to tenants as a result of the requirement to vacate the unit, or right of first refusal to return to the renovated unit is solely determined by the *Residential Tenancy Act*. It is possible, though

unlikely, that an application to renovate a building or unit within a building will also require a rezoning.

The Council Policy related to tenant support during renovation of rental units is Policy 516: Renovation and Relocation Policy.

In the case of the demolition of a purpose-built rental building, typically this would involve an application to also develop a new, larger building on the property and therefore include an application to amend the Zoning Bylaw for the property to allow a larger building. Zoning Bylaw approvals are discretionary decisions of Council, and, in conjunction with public input and staff recommendations regarding the application, Council may consider its policies such as a Tenant Relocation Policy when determining if it will approve a rezoning, and to refuse an application to rezone if the proposal does not meet Council's policies. Issues such as compensation, moving expenses, or right of first refusal to return to the unit at a specific rent level can be included in a Tenant Relocation Policy and reviewed as part of negotiations with an applicant during a rezoning process, but would not be specified in advance through another City bylaw. If the City were to apply these residential tenancy requirements through a bylaw instead of through a policy implemented during rezoning negotiations, the bylaw requirements may be found to be outside the authority of a local government.

The Council Policy related to tenant support during demolition (and rezoning) of purpose-built rental buildings is Policy 514: Tenant Relocation Policy.

#### *Comparison with Port Coquitlam's (Bylaw) Approach to Renovation*

The City of Port Coquitlam's Business Bylaw includes provisions that require building owners undertaking renovations to a unit that needs to be vacant, to arrange for temporary accommodation for the tenants for the duration of the renovations, and allows the tenant to return to their unit at the same rent they were paying prior to the renovation. The amendment to the Port Coquitlam Business Bylaw that introduced these regulations is attached as Appendix G.

This provision of the Business Bylaw was challenged by a landlord in Port Coquitlam who applied to the Supreme Court to set aside the bylaw, primarily on the basis that the Business Bylaw was outside of the jurisdiction ('ultra vires') of the City of Port Coquitlam and that it is inconsistent with the *Residential Tenancy Act*. The courts have not provide a ruling on the validity of the bylaw because the landlord discontinued their challenge of the bylaw.

As there was no decision from the Supreme Court on this legal challenge, it is possible that another legal challenge to a similar bylaw would occur, with uncertain results. If Council determines that it is interested in pursuing a similar regulation as Port Coquitlam's, it is recommended that Council receive advice on the enforceability, legality, and potential unintended consequences of such a bylaw.

The City's current policy for renovation of rental units (Policy 516: Renovation and Relocation Policy) does not stipulate that building owners must arrange for temporary accommodation for tenants or require that the tenant be returned at the same rent they were paying prior to the renovation. The landlord and tenant relationship under this policy is entirely governed by the *Residential Tenancy Act*, which currently allows that the landlord may determine the rent following renovation, and does not oblige the landlord to arrange for temporary accommodation for tenants.

Policy 516 does task the Building Department with obtaining feedback from the Residential Tenancy Branch (RTB) as to whether the scope of work in a renovation permit would require that a unit be vacant per the Branch's regulations. However, further discussions between staff

and the RTB have indicated that the RTB would not typically review building plans unless a dispute of an eviction notice is filed, and in that case the dispute would be ruled on by an Arbitrator with the RTB. Alternatively, the RTB has a policy guideline for “Ending a Tenancy to Demolish, Renovate, or Convert a Rental Unit to a Permitted Use” which provides a list of examples of common renovations and whether they are likely to require a vacancy or not. This policy guideline is attached as Appendix E.

Staff recommend that if Council is interested in retaining a policy-based approach, that Policy 516 be updated to direct the Building Department to request confirmation of whether a dwelling is currently tenanted at the time of a renovation permit application submission, and at the time of permit issuance send a letter to the tenant with a copy of the RTB policy guideline “Ending a Tenancy to Demolish, Renovate, or Convert a Rental Unit to a Permitted Use.” Further, the letter would include a comment from Building Department staff on whether the type of renovation or repair, according to the examples in the RTB policy guideline, is likely or unlikely to require vacancy of the unit. The same comment would be provided on the renovation permit itself. The purpose of providing this information to the tenant would be to inform them of their rights as a tenant. If they should be considering filing a dispute of any subsequent eviction notice related to the permit, this information would provide them with an early assessment of whether such an eviction is necessary and the process that is required by the RTB (though ultimately it would be up to the RTB Arbitrator to rule on the specific circumstances of the renovation in a dispute). A proposed revision to Policy 516: Renovation and Relocation Policy is attached as Appendix C.

#### *Comparison with Burnaby’s (Policy) Approach to Renovation/Demolition*

On December 2, 2019, Burnaby City Council gave approval-in-principle to an update to its Tenant Assistance Policy. The related Burnaby council report is attached to this corporate report as Appendix F.

The Burnaby Tenant Assistance Policy, as updated, applies to purpose-built market rental buildings with five or more units that require rezoning, either for renovation or redevelopment, and would not apply to renovations or redevelopments that do not involve a rezoning (e.g. they only require a Building Permit). As noted on page 4 of the Burnaby report, a local government may only require tenant assistance supplementary to the *Residential Tenancy Act* as a condition of rezoning approval, but not if solely tied to the issuance of a development permit, building permit, or demolition permit. This means that the City of Burnaby applies the Tenant Assistance Policy to rezoning applications, as is also the case with the City of White Rock’s Policy 514: Tenant Relocation Policy.

It is relevant to note that the context and scale of development in Burnaby, which has two rapid transit lines in close proximity to the Metro Core, is different to that found in White Rock. This context affects the financial viability of proponents to overcome the costs of redevelopment while being able to support tenant compensation, relocation and first rights of refusal to return upon project completion at below market rent levels. For example, a sample of the rental redevelopment projects that the Tenant Assistance Policy would apply to (from a Public Hearing agenda on November 19, 2019) include:

- A 35-storey high-rise strata apartment building and a six-storey rental apartment podium
- A 37-storey high-rise strata apartment building and a six-storey rental residential building
- A 43-storey high-rise strata apartment building, townhouses, and a six-storey non-market rental apartment building; and
- A 34-storey, high-rise strata and rental apartment building and a four-storey affordable rental apartment building

The densities (expressed as Floor Area Ratios, or FAR) for these projects in Burnaby are typically more than 6.0 FAR; by comparison, the project at 1485 Fir Street in White Rock is for a six-storey rental apartment building at 2.8 FAR to replace an existing rental apartment building. This would not generate the same profits that a 30+ storey strata residential development with more than double the density could provide towards tenant assistance.

It should also be noted that Burnaby’s revised policy has not been put into effect. Some of these provisions, particularly the details regarding the payment of monthly top-ups to tenants for temporary accommodation during construction of the new building, may prove difficult to implement and verify that the applicant has met their obligations. The mandated monthly contact between tenants and applicants may also be challenging to meet compliance with the *Freedom of Information and Protection of Privacy Act*.

The table below identifies commonalities, differences, and gaps between the City of White Rock’s current Tenant Relocation Policy and the City of Burnaby’s revised Tenant Assistance Policy, for Committee’s consideration.

Table 1:

	<b>White Rock Policy 514 (Current)</b>	<b>Burnaby Tenant Assistance Policy (Approved-In-Principle)</b>										
<b>Application</b>	All development applications (typically rezonings) involving the demolition of purpose-built rental housing in a building with three (3) or more units.	All purpose-built market rental buildings with five (5) or more units that require rezoning either for renovation or redevelopment [i.e. demolition and rebuilding] purposes.										
<b>Eligible Tenants for Right of First Refusal and Compensation</b>	Tenants of the building at the time of submission of the Occupancy Report (i.e. at the time of rezoning application).	Tenants of the building at the time of rezoning application, as well as previous tenants of vacant units (up to 24 months' prior to application, under specified circumstances)										
<b>Length of Final Notice</b>	2 months (the policy was endorsed prior to an update to the RTA that increased the notice length to 4 months; the RTA would supercede City policy)	4 months										
<b>Compensation</b>	<table border="1"> <thead> <tr> <th><i>Length of Tenancy</i></th> <th><i>Compensation</i></th> </tr> </thead> <tbody> <tr> <td>0-4 years</td> <td>three months' rent</td> </tr> <tr> <td>5-9 years</td> <td>four months' rent</td> </tr> <tr> <td>10-14 years</td> <td>five months' rent</td> </tr> <tr> <td>15+ years</td> <td>six months' rent</td> </tr> </tbody> </table>	<i>Length of Tenancy</i>	<i>Compensation</i>	0-4 years	three months' rent	5-9 years	four months' rent	10-14 years	five months' rent	15+ years	six months' rent	Only provided as an alternative to monthly rental top-up (where tenant seeks an exception based on no longer requiring rental accommodation in the area, such as when they intend to purchase a home). The amount is equivalent to the value of the rent top-up for 36 months. Applicant must not enter into compensation agreement until a City attended group tenant meeting has occurred and tenants are to communicate their selected benefit options to the City.
<i>Length of Tenancy</i>	<i>Compensation</i>											
0-4 years	three months' rent											
5-9 years	four months' rent											
10-14 years	five months' rent											
15+ years	six months' rent											



<b>Alternate Accommodation Requirement</b>	Identify 3 comparable units, with 2 within White Rock or 5 kilometres of the City's boundary, and 1 which must be a purpose-built rental unit. Maximum rents must not exceed CMHC rent average for area (unless agreed to by tenant), and must meet needs of tenant (e.g. accessibility, pet friendly, family friendly, etc).	Identify 3 comparable units, ideally within the same quadrant of Burnaby as current unit, and within Metro Vancouver. A tenant may also find their own temporary housing.
<b>Monthly Rental Top-Up During Construction</b>	None. Maximum rents are not to exceed the CMHC rent average for the area (or the current rent, if it is above CMHC rent average) unless agreed to by the tenant	Yes - applicant/landlord to provide top up (pay rent above current rent) for tenant, to a maximum of 30% above CMHC median rents for similar unit or 15% above current rent. Applicant/landlord responsible for providing ongoing top up to tenant and maintaining contact with tenants.
<b>Moving Expenses</b>	Applicant must pay for insured moving company arranged by applicant (at the selection of tenant)	Either flat rate payout (\$900 for studio/1 bedroom, \$1,200 for two-bedroom, and \$1,400 for three bedroom) or insured moving company arranged by applicant (at the selection of tenant)
<b>First Right of Refusal</b>	First right to rent/own in new building, at 10% below market rent or purchase at a discount equal to value of 12 month rent in the same unit	First right to rent a replacement unit in new building, at same rent as current unit (adjusted for permitted allowable rent increases per the RTA)
<b>Accessible Replacement Units</b>	Not specifically required, but implied by applicant requirement to identify their Vulnerable Tenants Approach	Yes - new units must be constructed in accordance with tenant's accessibility needs (where identified in a Household Needs Assessment)
<b>Bonding Requirement</b>	None	Yes - applicant to provide a cost estimate of all tenant assistance benefits to the City prior to final adoption of rezoning, and bonding for the amount (plus 1% administration fee) must be submitted to the City and is released upon the replacement units being occupied.
<b>Communication with Tenants</b>	City recommends engaging tenants early and in a timely manner throughout the development application process, including at a minimum, providing a notice of application and formal notice prior to demolition, and identifying a dedicated tenant relocation coordinator available to provide ongoing assistance to tenants. Public Information Meetings are also required for all rezoning applications, but are not specifically for tenants or focused on tenant assistance aspects of the proposal.	Group Tenant Meeting to be held within 60 days of Council authorizing City staff to work with the applicant (introducing tenant relocation coordinator and Household Needs Assessment form). City staff must be present at meeting. Other regular communication to occur between applicants and tenants.

<b>Household Needs Assessment (Vulnerable Tenants)</b>	Applicants must communicate to all tenants how they can request additional support if necessary (i.e. for vulnerable tenants).	To be submitted within two months of Group Tenant Meeting.
<b>Implementation Guide</b>	No	In process - not currently available
<b>Tenant Relocation Coordinator</b>	Yes	Yes

The major differences between the White Rock and Burnaby tenant assistance policies are:

- Burnaby’s policy also applies to a renovation of a building where a rezoning is required, whereas White Rock’s only applies to the demolition of an existing building and construction of a new rental building, not to renovations;
- Burnaby’s policy allows existing tenants to return to the new building at the current rent levels, whereas White Rock’s policy only requires that the returning tenants pay 10% below market rent (noting that significantly more density, i.e. larger buildings, would likely be required to subsidize rents in a new building to the existing rent levels of an older building);
- Burnaby’s policy requires that an applicant provide existing tenants with a monthly top-up during the construction period to cover the difference in rent between their current rents and the rent in their temporary accommodation (or lump sum compensation), whereas White Rock’s policy does not require a top up; and
- Burnaby’s policy requires the applicant to provide a history of tenancies 24 months prior to the rezoning application submission to address situations where the tenant may have been evicted in bad faith (e.g. in order to avoid compensation), whereas White Rock’s policy does not require this history.

**Potential Unintended Consequences Regarding Tenant Assistance Policies and Bylaws**

The overarching policy goal for Housing in the OCP is that “the City of White Rock has a mix of housing choices that are appropriate and affordable for residents at various stages of their lives.” While “appropriate” housing is not directly defined in the OCP, a relevant related definition would be the definition for “acceptable housing” used by Canada Mortgage and Housing Corporation (CMHC), which is “housing that is adequate in condition, suitable in size, and affordable.” In addition to the condition, size, and cost criteria for acceptable housing, some residents may also require specialized supports (e.g. accessible features and/or assisted living services) as part of their housing, which adds a further lens to the type of housing that would be appropriate for those individuals.

As the population grows, the existing housing stock ages, and household sizes and needs change. The City’s supply of housing needs to be responsive to these changing circumstances. For detached homes, this can often mean large-scale renovations to add a suite for a family member or a ‘mortgage helper’, or rebuilding a new home that improves the living standards for its occupants. In the case of larger apartment buildings, major repairs can affect a large number of units and be costly, and unless a building owner is able to recover the costs of making upgrades or repairs, or redeveloping, they are not likely to improve the building’s condition.

If the only aim in supporting existing tenants is maintaining affordable costs (i.e. low rents), then keeping existing rental buildings occupied in essentially the condition they are in (i.e. through

recurring renovation and maintenance), rather than allowing redevelopment, is likely the easiest option, though renovations themselves can be cost prohibitive. Policies that make it more costly to redevelop (e.g. through increased financial compensation to tenants or requiring rents to remain the same) are likely to have the affect of making redevelopment less attractive and ultimately having fewer buildings redevelop. While this may keep rents low for some existing tenants, there are a few unintended consequences that may result from these policies which were intended to provide support to tenants. The potential consequences are discussed below.

1) Supply, Vacancy Rates, and Rent Increases:

If no new rental buildings are constructed to increase the supply in the area, and the need for rental housing continues to grow as ownership remains unaffordable, the increased demand will keep vacancy rates low and lead to maximum rent increases for existing tenants (up to the maximum allowed by the *Residential Tenancy Act* on an annual basis). This will also lead to high rents when the units turn over to a new tenant under a new contract. A healthier vacancy rate (e.g. greater than 3%) on a long-term basis resulting from a larger supply of rental units may have the effect of reducing the pressure on rent increases for existing tenants. Reducing supply by making policies that freeze redevelopment of rental buildings (unless offset by increased development on non-apartment sites in White Rock or elsewhere in the area) may have the unintended effect of high rents in the long term.

2) Condition and Maintenance

If landlords are unable to recover the costs of renovating or redeveloping their properties due to restrictive local policies that make it not financially viable, they may decide to reduce the maintenance of their buildings and allow them to deteriorate while waiting for a change in policies that would allow redevelopment. In this case, existing tenants may continue to pay low rents and have housing that is affordable to them but find themselves in below standard conditions because the building is not being properly maintained.

3) Buy Outs and Bad Faith Evictions

If a landlord determines that they want to redevelop, but that having long-term tenants when they apply to rezone is going to be costly due to the requirements of local tenant assistance policies, they may attempt to have existing tenants move out through 'buy outs' or ending tenancies in bad faith, leaving units vacant if they feel that the cost of required tenant support is greater than the income from the rental. The unintended consequence of policies that are generous towards existing tenants could be that the same long-term tenants are negatively impacted by a landlord seeking to avoid these costs.

### **Proposed Amendments to Council Policies 511, 514 and 516**

While the main purpose of this corporate report is to provide the Committee with information and offer an opportunity for the Committee to discuss high-level issues and objectives related to tenant support, staff have also prepared a potential approach to revising Council policies, for the Committee's consideration.

#### *Balancing Fairness to Tenants with Financial Viability of Redevelopment*

The current Tenant Relocation Policy requires that a property owner offer units to returning tenants at 10% below market rents. Nonetheless, if the market rent in the new building is twice as high as the existing rent levels, the 10% discount level for returning tenants is still 80% more than the rent they are paying now. For example, if a tenant currently rents a one-bedroom unit for \$1,000 per month and the market rent in a new comparable unit is \$2,000 per month, at a 10%

reduction their rent is \$1,800 per month, \$800 more (80% above) what they are currently paying. Many tenants may not be able to cover the increased rent, particularly those on fixed incomes who have been in the building for a long period of time.

The difference between existing rent levels in a 50+ year old apartment and what the market would be willing to pay for rent in a brand new rental building is significant. The increase in rental revenue helps to make the cost of constructing the new building financially viable. Reducing this income stream permanently to existing rent levels would likely result in the project not moving forward, as lenders would be unwilling to provide loans to finance the construction and operation of the building as the income would not be enough to service the debt. Without knowing how many tenants would be returning and how long they would remain in the new building, the financial impact of maintaining the existing rents would be difficult to predict. However, a moderate level of rent reduction for only the units that are occupied by returning tenants could be feasible, if the remaining new units are able to generate enough rental income to justify the construction of the building.

#### *Proposed Approach to Increase Support for Tenants*

One way to provide additional support to all displaced tenants (regardless of whether they choose to return to live in the new building), while also limiting the financial uncertainty around the cost of reduced rents, is to significantly increase the initial lump sum compensation that tenants receive from the developer prior to the termination of the tenancy. Tenants would be able to use this increased compensation to return to the new building and gradually put the funds towards their rent (in effect lowering the rent to current levels), or to choose a new living situation and use the funds to pay for that housing. The proposed amendment to the Tenant Relocation Policy proposes that the compensation be increased between 33% and 733%, with the tenants who have lived in the building the longest receiving proportionately more compensation, as they are more likely to have difficulty paying rent in a new building (or in a new rental agreement at an existing building at current market rents, if they choose not to return to the new building). The length of tenancy is easily quantified, but this approach does not consider other factors such as tenant age, health, income, etc., which would introduce a high level of complexity to the calculation.

While the table below and draft policy contemplates a 'lump-sum' type compensation for tenants, staff are exploring whether it would be possible to structure the compensation as an annuity payment to tenants that gets paid out over a period of time; this has not been done in other jurisdictions but may be a way to mitigate concerns that receiving a large one-time compensation could have problematic outcomes for vulnerable tenants without providing long-term financial support. If further information on the viability of this approach becomes available, staff will bring forward this information to the Committee for consideration.

The compensation table below identifies the current and proposed levels of compensation based on the length of tenancy. For comparison purposes, the City of Vancouver’s compensation amounts for displaced tenants is also included.

Table 2: Tenant Compensation Comparison

Tenancy Length (Years)	Months of Rent Compensation		
	Proposed (WR)	Current (WR)	Vancouver
0	4	3	4
1	6	3	4
2	8	3	4
3	10	3	4
4	12	3	4
5	14	4	5
6	16	4	5
7	18	4	5
8	20	4	5
9	22	4	5
10	24	5	6
11	25	5	6
12	26	5	6
13	27	5	6
14	28	5	6
15	29	6	6
16	30	6	6
17	31	6	6
18	32	6	6
19	33	6	6
20	34	6	12
21	35	6	12
22	36	6	12
23	37	6	12
24	38	6	12
25	39	6	12
26	40	6	12
27	41	6	12
28	42	6	12
29	43	6	12
30	44	6	18*

\*Vancouver also requires 24 months rent compensation for tenancies over 40 years

Further, the rents charged to returning tenants are proposed to be reduced from the current level of 10% below market rents to up to a range of 20-30% below market rents, depending on the length of tenancy. The following table outlines the proposed rent levels for returning tenants:

Table 3: Proposed Rent Levels

Length of Tenancy (in years)	% Below Market Rent
Less than 1	20%
1	21%
2	22%
3	23%
4	24%
5	25%
6	26%
7	27%
8	28%
9	29%
10 or more	30%

The combination of increased compensation and reduced rents will allow some existing tenants to return to the new building and live in a brand new unit with enough financial support to continue to pay their rent at current levels for a considerable amount of time. To illustrate this, three hypothetical examples are provided below.

Table 4: Example of Impact of Increased Compensation and Reduced Rents

		Tenant A	Tenant B	Tenant C
A	Length of Tenancy	5 years	10 years	25 years
B	Current Rent (monthly)	\$1,100	\$950	\$850
C	Current Unit Size	950 sq.ft.	900 sq.ft.	650 sq.ft.
D	Compensation	\$15,400 (14 mo.)	\$22,800 (24 mo.)	\$33,150 (39 mo.)
E	Market Rent of Future Unit (monthly) (estimated on \$2.80 per sq.ft.)	\$2,240	\$2,100	\$1,680
F	Future Unit Size	800 sq.ft.	750 sq.ft.	600 sq.ft.
G	Reduced Rent Level (monthly)	\$1,680 (-25%)	\$1,470 (-30%)	\$1,176 (-30%)
H	Length of Time that Compensation Reduces Future Rent to Current Rent = D / (G – B)	26.5 months (2.2 years)	43.8 months (3.7 years)	101.7 months (8.4 years)

*Proposed Changes to the Density Bonus / Amenity Contribution Policy*

The City typically requires that an amenity contribution be provided for large developments. This contribution provides amenities that offer benefits to the community at large and help mitigate the increased demands on City services. Policy 511 provides Council with the opportunity to consider waiving all or a portion of the applicable amenity contribution for developments that provide either affordable (non-market) or market rental developments, recognizing that these developments offer a needed form of housing which is in itself a form of amenity to the community. The proposed changes to Policy 511 would establish a further reduction (up to 50%) of an applicable amenity contribution for developments where housing is being provided to displaced tenants in accordance with the Tenant Relocation Policy (i.e. compensation has been provided to tenants and reduced rents are available), and where the initial rents for rental replacement units where the tenants are not returning are 10% below market and available for the general public. By connecting a reduction in amenity contributions to the amount of tenant compensation provided by the developer, a developer would have much less incentive to end existing tenancies early or in bad faith to avoid tenant compensation, because if they do not provide the compensation to the tenants they would still be providing a similar contribution to the City.

The displacement of existing residents through the redevelopment of rental properties can have a challenging impact on the community. When strata developments are redeveloped the owners typically receive compensation in the form of proceeds from the sale of their property, but there is not a similar ability for renters to benefit from the redevelopment of their home. This new amenity contribution reduction is in recognition that the applicant has reduced the impact on the community by making it more possible for existing residents to remain in their community.

Other proposed changes to Policy 511 include:

- Establishing a target contribution rate for properties in the ‘Town Centre Transition’ land use designation, with a higher rate (\$430 per square metre over 1.5 FAR/gross floor area ratio) for properties with purpose built rental housing, with the expectation that half the contribution would be reduced through the provision of housing for displaced tenants, and potentially the entire contribution would be waived if the whole development is purpose-built rental housing. A lower rate (\$215 per square metre over 1.5 FAR/gross floor area ratio) would apply to non-rental properties;
- Establishing a target contribution rate for the ‘Waterfront Village’ land use designation, with a higher rate (\$646 per square metre over 1.75 FAR/gross floor area ratio), in recognition of the higher value for waterfront properties and the relatively smaller sites in this area; and
- Removing references to floor area measurements other than gross floor area ratio (i.e. residential/commercial/institutional floor area), to standardize the approach to estimating contribution targets.

*Future Amendments to the Density Bonus / Community Amenity Contribution Policy*

There was a public Community Amenity Contribution Forum held on January 20, 2020, and it is likely that Council may wish to direct staff to make further changes to the policy at this time. Some of the policy amendments which may be considered include:

- Specifying certain items on the list of eligible amenities
- Reducing the amount of CACs targeted for desired land uses (e.g. hotel space) to increase the viability that such uses may be pursued by the private market.

### **CLIMATE CHANGE IMPLICATIONS**

There are no direct implications for the City's greenhouse gas emissions or resiliency to climate change impacts foreseen as a result of changes to the policies discussed in this report.

Redevelopment of older buildings can generally result in more efficient energy usage and better utilization of urban land, but the net impact depends on case-by-case factors.

### **BUDGET IMPLICATIONS**

The proposed changes to the Density Bonus / Amenity Contribution Policy and the Tenant Relocation Policy in this corporate report are provided for Committee discussion and are not anticipated to affect the operating budget of any City department. By considering reduced CACs in exchange for greater compensation to tenants, there may be a reduction in the overall level of amenity contributions received. These contributions would otherwise assisted in paying for the capital costs of other amenities that are desired by the community and Council.

### **OPTIONS**

The Governance and Legislation Committee may:

1. Receive this report for information and provide direction to staff on changes to Policy 511, Policy 514, and Policy 516;
2. Endorse the proposed changes to Policy 511, Policy 514, and Policy 516;
3. Provide direction to staff on further or alternate changes to Policy 511, Policy 514, and Policy 516; or
4. Direct staff to undertake no further action on these policies at this time.

Staff recommend Option 1, which is incorporated into the recommendations at the beginning of this corporate report.

### **CONCLUSION**

This corporate report provides the Committee with an analysis of the City's tenant assistance-related policies in comparison with leading Metro Vancouver municipalities, and offers an opportunity for the Committee to have a broad discussion regarding how they would like the City to use its authority to balance support for tenants in rental buildings with the need to renew aging buildings through appropriate repairs and redevelopment.

The proposed amendments to Council's Density Bonus / Amenity Contribution Policy, Tenant Relocation Policy, and Renovation and Relocation Policy, provided in this corporate report for discussion purposes, are intended to address previous concerns expressed by the Land Use and Planning Committee that existing tenants would not be able to afford the rents charged if they were to return to the new building. In the proposed Tenant Relocation Policy update, the increases in compensation provided directly by the developer and reduced rents below the current policy level, paired with reduced amenity contributions to the City, are meant to bridge this gap. These changes would also provide certainty around the financial liabilities related to existing tenants that might otherwise result in a project not being funded by a lender. Further amendments to the Density Bonus / Amenity Contribution Policy are intended to provide greater certainty on the City's expectations with regard to applicable amenity contributions. The amendments to the Renovation and Relocation Policy are intended to reflect the resources available from the Residential Tenancy Branch in the event of a landlord making an application to renovate a tenanted rental apartment suite.



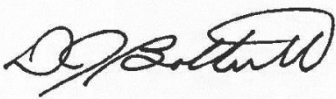
Respectfully submitted,



Carl Isaak, MCIP, RPP  
Director, Planning & Development Services

**Comments from the Chief Administrative Officer:**

I concur with the recommendations of this corporate report.



Dan Bottrill  
Chief Administrative Officer

- Appendix A: Proposed Council Policy 511: Density Bonus / Amenity Contribution Policy
- Appendix B: Proposed Council Policy 514: Tenant Relocation Policy
- Appendix C: Proposed Council Policy 516: Renovation and Relocation Policy
- Appendix D: Sections 49 and 51 of the *Residential Tenancy Act* – “Landlord’s notice: landlord’s use of property” and “Tenant’s compensation: section 49 notice”
- Appendix E: Residential Tenancy Policy Guideline 2B: Ending a Tenancy to Demolish, Renovate, or Convert a Rental Unit to a Permitted Use
- Appendix F: City of Burnaby report dated November 27, 2019 titled “Revised Tenant Assistance Policy”
- Appendix G: City of Port Coquitlam Business Amendment Bylaw No. 4116

THE CORPORATION OF THE  
**CITY OF WHITE ROCK**  
 15322 BUENA VISTA AVENUE, WHITE ROCK, B.C. V4B 1Y6



**POLICY TITLE: DENSITY BONUS / AMENITY CONTRIBUTION**  
**POLICY NUMBER: COUNCIL - 511**

Date of Council Adoption: April 15, 2013	Date of Last Amendment: June 28, 2017
Council Resolution Number: 2017-309	
Originating Department: Planning and Development Services	Date last reviewed by the Governance and Legislation Committee: June 12, 2017

**Policy:**

**Purpose**

The purpose of density bonus/amenity contribution requirements is to permit an increase in allowable densities in exchange for providing community amenities, consistent with section 482 of the Local Government Act which allows Council to establish, within a zoning bylaw, conditions relating to the conservation or provision of amenities, affordable housing and special needs housing. It allows the City to participate in a share of the increase in property values resulting from increases to the allowable densities and provide for amenities that help with the impact of increased development. Variables such as location, land value, lot size, building costs and market conditions affect the feasibility of value increases to the land when greater density is permitted. If these variables provide worthwhile economic gains to a property owner proposing redevelopment of their site, over and above the costs of providing the amenity contribution, then density bonus is a realistic way of acquiring benefit for the community.

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**Amenities**

Council's 2018-2022 Strategic Priorities highlight several priorities which may be realized partly through the use of amenity contributions. The waterfront in particular is identified as the primary opportunity to drive the local economy and support community initiatives. As White Rock's main attraction, the waterfront is an amenity that serves the City as a whole, and it is the public open space that is most impacted by increased development. Therefore the improvement of the waterfront is the main priority for Council in allocating amenity contributions. Provision of amenities in the Town Centre, Lower Town Centre and surrounding areas, including but not limited to streetscape, public realm and transportation improvements, public art and building floorspace for civic uses, are also considered as a part of this policy.

Section 3.4.178.12.1 of the 2008-2017 Official Community Plan (OCP) outlines the amenity contributions eligible for consideration for the Town Centre Area identifies the need to utilize land use in a manner that provides social, economic and ecological benefits across the City.

The City's Community Amenity Reserve Fund Bylaw, 2017, No. 2190, as amended, identifies a list of eligible amenity contributions, which includes, but is not limited to: for developments located outside of the Town Centre Area and which require rezoning, are similar, with clarification for area of applicability in brackets. Eligible contributions within the Waterfront, Town Centre Area, Lower Town Centre and elsewhere in the community are outlined as follows:

- A building or space within a building for civic uses, including but not limited to office, meeting or convention space (Town Centre Area)
- The provision and improvement of new publicly accessible open space, including a public square and/or pedestrian routes, either through dedication, easement, statutory right-of-way or covenant (all areas; with a preference for the East and West Beach Waterfront Business Areas)
- The improvement of existing publicly accessible open space and/or pedestrian routes (all areas; with a preference for the East and West Beach Waterfront Business Areas)
- Underground publicly accessible parking (Town Centre Area and East and West Beach Waterfront Business Areas)
- Publicly accessible parking (East and West Beach Waterfront Business Areas)
- Outdoor public art in the Town Centre Area located as recommended in the 2011 Town Centre Urban Design Plan (Town Centre Area)
- ~~Outdoor public art elsewhere in the community subject to the review and advice of the City's Public Art Advisory Committee (all other areas)~~
- A transit station, "bus loop" and/or transit shelters (Town Centre Area)
- Special needs or non-market affordable housing (all areas)
- ~~People movement infrastructure~~ Transportation and transit services, including people movement infrastructure (e.g. outdoor escalators, funiculars, or gondola) to link Uptown to the Waterfront (Town Centre and Lower Town Centre areas, all areas)
- Other land
- A park or other public place
- Park improvements, including playgrounds
- Landscaping of City land
- A library, a museum or archive
- An arts and cultural centre
- A child care facility
- A community centre
- A recreation facility
- Heritage conservation

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- City meeting and administration facilities
- A greenhouse gas reduction measure
- A community energy facility
- Similar things that benefit the City and the well being of its community
- ~~the provision of publically accessible open spaces or buildings or spaces within a building for civic uses, to serve the increased population. This could include the possibility of a shared use facility at White Rock Elementary School (e.g. community gym space, art gallery, etc.) (Town Centre, Lower Town Centre Areas)~~
- ~~the provision of public art that reflects the Johnston Road ‘arts and culture corridor’ (Town Centre, Lower Town Centre areas).~~

### **Process**

In the Town Centre, Town Centre Transition, Waterfront Village Area and Lower Town Centre Area land use designations of the Official Community Plan, where the City will have established the zoning that includes the maximum allowable densities both with and without the amenity contribution requirements, or where a new Amenity Zoning Bylaw or Phased Development Agreement is proposed, and proponents for redevelopment will be required to enter into written agreement for deliver an amenity agreement and related section 219 covenant amenity contribution as a condition of development permit approval (when approved by Council for on-site amenities) and prior to the issuance of building permits. Densities are expressed in terms of “Floor Area Ratio” (FAR) which is determined by dividing the gross floor area by the total site area.

For all other areas outside the Town Centre Area land use designations named above where higher densities are permitted in the OCP, redevelopment projects greater than 3 stories storeys in height and/or 1.1 FAR in the Multi-Unit Residential designations, or greater than 3 stories in height and/or 1.75 FAR in the Commercial designations, will require rezoning to comprehensive development (CD) zone an Amenity Zoning Bylaw, and will be required to enter into agreement to establish the requirements for density bonus / amenity contribution prior to final approval of rezoning. Densities are expressed in terms of “Floor Area Ratio” (FAR) which is determined by dividing the residential floor area, commercial floor area, or institutional floor area (as applicable) by the total site area. For these projects, the CD zoning will make it possible to determine the appropriate site densities and building heights on a case by case basis in accordance with the direction for allowable heights and densities established in the OCP. Further, market research will be required to determine the appropriate amount of density bonus / amenity contribution required, on a project by project basis.

Unless otherwise decided by Council, all amenity contributions will be in the form of payment-in-lieu. A reserve account will be created for deposit of these funds. Funds within this account will only be expended for those types of amenities listed above to be provided in the Waterfront area, the Town Centre area, the Lower Town Centre area, or in other public areas as determined by Council, and identified in the Community Amenity Reserve Fund Bylaw for the benefit of the overall community. Where Council has agreed to accept the amenity contribution to be developed on-site in conjunction with the redevelopment proposal, the specific amenities to be provided will be determined through discussion and negotiation

between the City and the proponent. When it is agreed that the amenities are to be provided on-site, public access to the amenity will be secured through written agreement or covenant registered prior to issuance of a building permit, ~~approval in the Town Centre and Lower Town Centre areas and may require the submission of financial securities acceptable to the City. Outside of the Town Centre and Lower Town Centre areas, public access to the amenity will be secured through written agreement or covenant registered prior to final approval of the rezoning.~~

### **Determination of Amenity to be Provided**

Amenity contributions are required for every development:

- a) In the Town Centre, Waterfront Village Area and Lower Town Centre Area ~~land use designations~~ for developments exceeding three (3) ~~stories~~ storeys in height and/or 1.75 FAR; ~~and~~
- b) ~~In the Town Centre Transition land use designation for developments exceeding four (4) storeys in height and/or 1.5 FAR; and~~
- c) For every rezoning outside of the ~~Town Centre Area and Lower Town Centre Area~~ land use designations named above for proposed developments exceeding three (3) ~~stories~~ storeys in height, ~~and/or 1.1 FAR in the Multi-Unit Residential designations, and three (3) stories in height and/or 1.75 FAR in the Commercial designations.~~

~~Note: In the Town Centre and Lower Town Centre Areas, FAR is calculated based gross floor area as defined in the zoning bylaw. For rezonings outside of the Town Centre and Lower Town Centre Area, FAR is calculated based on residential floor area, commercial floor area, or institutional floor area, as defined in the zoning bylaw, or a combination of the above if applicable.~~

### **Exemption of Above Ground Parkade Floorspace**

Above ground parking floorspace areas, when contained within an above ground enclosed building, and not utilized for pay parking purposes or other revenue generating purpose, are exempt from providing amenity contributions.

### **Amenity Contribution Approach**

1. Within the Town Centre Area ~~land use designation~~, amenity contributions will be determined by using the following target rate as a guide in identifying the equal share of the increase in property value resulting from an increase in allowable density:
  - \$0 for the 1<sup>st</sup> 1.75 FAR;
  - \$430 per m<sup>2</sup> for FAR of 1.75 to 5.4.
2. Within the Lower Town Centre Area ~~land use designation~~, amenity contributions will be determined by using the following target rate as a guide in identifying the equal share of the increase in property value resulting from an increase in allowable density:

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- \$0 for the 1<sup>st</sup> 1.75 FAR;
- \$323 per m<sup>2</sup> for FAR of 1.75 to 3.5.

3. Within the Town Centre Transition land use designation, amenity contributions will be determined by using the following target rate as a guide in identifying the equal share of the increase in property value resulting from an increase in allowable density:

a) For properties containing three or more units of purpose-built rental housing:

- \$0 for the 1<sup>st</sup>-1.5 FAR;
- \$430 per m<sup>2</sup> for FAR of 1.5 to 3.5.

b) For properties without purpose-built rental housing:

- \$0 for the 1<sup>st</sup>-1.5 FAR;
- \$215 per m<sup>2</sup> for FAR of 1.5 to 3.5.

4. Within the Waterfront Village land use designation, amenity contributions will be determined by using the following target rate as a guide in identifying the equal share of the increase in property value resulting from an increase in allowable density:

- \$0 for the 1<sup>st</sup>-1.75 FAR;
- \$646 per m<sup>2</sup> for FAR of 1.75 to 2.0.

3-5. For every rezoning outside of the ~~Town Centre Area and Lower Town Centre as noted~~ land use designations named above, the amenity contribution required will be determined for the entire project, on a project by project basis, based on the advice and recommendations of a qualified market research consultant specific to that project. Proponents will be required to submit the market research report at the time of application submission, and the City reserves the right to commission a 2<sup>nd</sup> report from an alternate consultant to determine the amenity contribution for that project.

In establishing the value of a proposed amenity, hard costs, soft costs and land costs will be considered. Eligible costs for on-site amenities, when approved by Council, therefore include:

- Hard Costs – all material and labour costs for the construction of the amenity;
- Soft Costs – all fees and costs for the construction of the amenity; and
- Land Costs – eligible only where the ownership of the land containing the amenity is transferred or dedicated to the City.

To determine the value of the on-site amenity, a 3rd party appraisal will be required.

### **Affordable Housing**

Secured non market and market rental housing, as well as other forms of affordable housing, are considered community amenities as they provide for a more diverse range of housing types, tenures and rent or price levels that are available to White Rock residents. On this basis, and on upon the recommendations of the City’s 2016 Rental Housing Task Force, the City will consider waiving or reducing community amenity contributions for these types of development

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applications, on a project-by-project basis, through using the following approaches as a guide in determining appropriate amenity contribution reductions.

### Consideration of Amenity Contribution Reductions

#### 1. Affordable Rental Floorspace:

- Affordable rental housing developments are those in which at least 30% of the units are owned or managed by non-profit groups and designed to be affordable for low and moderate income households.
- Consider waiver of up to 100 percent of applicable community amenity contribution for affordable rental floorspace, subject to this floorspace being secured by relevant legal agreements, and a review of the relevant development application and its merits in providing an affordable rental housing amenity that benefits the community. Projects will also be evaluated in way that considers how the proposed non or below market rental unit rates relate to what is currently available on the housing market, as determined by local and sub-regional housing market and household income indicators.

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#### 2. Displaced Tenant Housing:

- Displaced Tenant Housing consists of residential units within a new development which are intended to provide housing at below market costs for existing tenants who are displaced through the redevelopment of purpose-built rental housing.
- Consider waiving up to a maximum of 50 percent of applicable amenity contribution for displaced tenant housing where the owner has:
  - provided compensation to displaced tenants in accordance with Council Policy 514: Tenant Relocation Policy;
  - has committed, through a Housing Agreement Bylaw, to offering displaced tenants with the first right of refusal to return in accordance with Council Policy 514: Tenant Relocation Policy; and
  - has committed, through a Housing Agreement Bylaw, that where a displaced tenant does not return to the building, that the initial maximum rent for that unit in the new development be no less than 10% below starting market rent for a similar unit for a period of one (1) year, after which rents may increase in accordance with the Residential Tenancy Act.

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#### 2.3. Secured Market Rental Floorspace:

- Secured market rental housing developments are those designated for rental purposes only and protected with a covenant, lease agreement, or housing agreement registered against title for the life of the building.
- Consider waiving up to a maximum of 50 percent of applicable amenity contribution for secured market rental floorspace, subject to this floorspace being secured by relevant legal agreements, and a review of the relevant development application and its merits in providing a secured market rental housing amenity that benefits the community.

- In combination with the waiver of amenity contributions for Displaced Tenant Housing, up to 100 percent of the applicable community amenity contribution may be waived where a new development consists entirely of secured market rental housing and displaced tenants are provided with compensation and first right of refusal in accordance with Council Policy 514: Tenant Relocation Policy.

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3.4. Amenity contribution reductions may also be considered for other types of affordable housing applications, on the condition that the proposals demonstrate the ability to provide rental, home ownership and/or other tenure models and dwelling units that are rented or purchased at rates below what is currently available on the housing market, as determined by local and sub-regional housing market and household income indicators, and continue to be offered at below market rates for a time period specified by the City of White Rock and secured by relevant legal agreements. A market research/housing consultant may be utilized in determining potential amenity contribution reductions, on a project by project basis, and consistent with the approach described above regarding the determination of amenity contribution value.



THE CORPORATION OF THE  
**CITY OF WHITE ROCK**  
 15322 BUENA VISTA AVENUE, WHITE ROCK, B.C. V4B 1Y6



**POLICY TITLE:     TENANT RELOCATION**

**POLICY NUMBER: PLANNING AND DEVELOPMENT SERVICES NO. 514**

<i>Date of Council Adoption: June 11, 2018</i>	<i>Date of Last Amendment:</i>
<i>Council Resolution Number: 2018-230</i>	
<i>Originating Department: Planning and Development Services</i>	<i>Date last reviewed by the Governance and Legislation Committee: June 11, 2018</i>

**Policy:**

**Purpose**

The purpose of the Tenant Relocation Policy is to mitigate the impacts resulting from redevelopment of purpose-built rental apartments on current tenants. This policy requires developers to provide advanced notice and assistance to affected individuals above and beyond what is required by the *Residential Tenancy Act*.

The Official Community Plan (OCP) Policy 11.2.3 is the basis for this policy, stating the City will “establish a tenant relocation policy to support those affected by redevelopment of existing rental housing. Plans for relocating existing residents will be the responsibility of the developer.”

The provisions outlined in the Tenant Relocation Policy also support the OCP objectives of supporting new rental housing and redevelopment of rental housing in order to achieve a mix of housing choices that are appropriate and affordable for residents at various stages of their lives.

**Application**

This policy applies to all development applications involving the demolition of purpose-built rental housing in a building with three or more units.

This policy does not apply to secondary rental market units, such as single-family residences, secondary suites, coach houses, individual condominium units, or rented structures with less than three self-contained units. Tenants displaced from non-dedicated rental units should refer to the British Columbia Residential Tenancy Act.

*Note:* Minor variations from the Tenant Relocation Policy to accommodate unique circumstances may be authorized at the sole discretion of the Director of Planning and Development Services. Adherence to the Tenant Relocation Policy does not guarantee development approval from Council.

## **Requirements**

### **1. Tenant Relocation Plan**

A Tenant Relocation Plan is required as a part of the development application submitted to the City to assist tenants with finding alternate accommodations, and to demonstrate a commitment to providing enhanced communication and support beyond the minimum requirements of the *Residential Tenancy Act*. The Tenant Relocation Plan must be submitted to staff as a part of the development application submission package and will be considered by the Land Use and Planning Committee prior to Council giving First Reading of any associated Official Community Plan Amendment Bylaw, Land Use Contract Discharge Bylaw or Zoning Amendment Bylaw, or considering the issuance of a Development Variance Permit or Development Permit. The Tenant Relocation Plan must meet the following provisions and minimum submission requirements:

#### 1.1. Occupancy Report

Documentation on the existing tenancies must be provided to the City and should include, at a minimum, the following information:

- List of occupied units
- Type of units (number of bedrooms) and current rent levels
- Size of Units
- Vacancy rate for the past year
- Type of tenancy (lease, month to month, fixed term, etc.)
- Start and end date of each tenancy
- Tenants who may require enhanced assistance (mobility issues, seniors, etc.)

The documentation of existing tenancies in the Occupancy Report determines tenant eligibility for assistance. Tenancies active when the Occupancy Report is accepted by the City are eligible for compensation, relocation assistance, and first right of refusal under this policy, and tenancies that begin after do not qualify for assistance other than receiving Notice of Application Submission and a copy of the Tenant Relocation Policy at the start of the tenancy, and any assistance required by the *Residential Tenancy Act*.

#### 1.2. Vulnerable Tenants Approach

The developer may be required to provide additional support for vulnerable tenants (e.g. seniors, persons with disabilities, tenants with low income, mental health issues, etc.). This will be assessed and identified on an individual basis as part of the Occupancy Report.

- (a) Additional financial compensation may be requested for vulnerable tenants;
- (b) The developer is encouraged to partner with Fraser Health Authority or a non-profit organization to provide enhanced support to vulnerable tenants; and
- (c) An approach for vulnerable tenants must be identified within the Tenant Relocation Plan.

#### 1.3. Tenant Communication Strategy

The Tenant Communication Strategy must outline how tenants are to be proactively engaged and notified of the development application process and timeline, any opportunities for input, where to direct enquires, and any applicable tenant resources.

The City recommends engaging tenants as early as possible and tenants should be made aware of any pending development applications to the City. Affected tenants must be engaged in a timely manner throughout the development application process and formal notice should be provided as follows:

- (a) Notice of Application Submission:
  - Notice of a development application submission must be given to existing tenants within two weeks of application receipt by the City. The notice must include a copy of the Tenant Relocation Policy and a Tenant Assistance Package. All new tenancies beginning after the application submission must also be provided with a copy of the Tenant Relocation Policy and made aware of the development application.
- (b) Formal Notice:
  - A minimum of two months formal notice must be given to residents upon issuance of demolition permit.

#### 1.4. Tenant Relocation Coordinator

A dedicated Tenant Relocation Coordinator must be identified as a part of the Tenant Relocation Plan to facilitate direct communication with tenants and provide ongoing assistance on securing suitable replacement accommodations per the provisions identified in Section 1.6. The Coordinator is to be funded by the applicant and have regular hours and contact information where they are available to tenants.

#### 1.5. Compensation

- (a) Financial Compensation must be provided based on length of tenancy and can be in the form of free rent, a lump sum payment, or a combination of the two. For tenants whose tenancy began 10 years or less prior to the date the Occupancy Report is accepted by the City are to be paid 4 months' rent plus 2 months rent for each full year of tenancy, and tenants whose tenancy began more than 10 years prior to the date the Occupancy Report is accepted by the City are to be paid 14 months' rent plus 1 months' rent for each full year of tenancy, in accordance with the compensation table below. Compensation is to be paid out no later than termination of tenancy; and

<b>Length of Tenancy</b>	<b>Required Compensation</b>
Up to four (4) years	Three (3) months' rent
Five (5) to nine (9) years	Four (4) months' rent
Ten (10) to fourteen (14) years	Five (5) months' rent

Over fifteen (15) years	Six (6) months' rent
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Compensation Table

<u>Length of Tenancy (in years)</u>	<u>Required Compensation</u>
Less than 1	4 months' rent
<u>1</u>	<u>6 months' rent</u>
<u>2</u>	<u>8 months' rent</u>
<u>3</u>	<u>10 months' rent</u>
<u>4</u>	<u>12 months' rent</u>
<u>5</u>	<u>14 months' rent</u>
<u>6</u>	<u>16 months' rent</u>
<u>7</u>	<u>18 months' rent</u>
<u>8</u>	<u>20 months' rent</u>
<u>9</u>	<u>22 months' rent</u>
<u>10</u>	<u>24 months' rent</u>
<u>11</u>	<u>25 months' rent</u>
<u>12</u>	<u>26 months' rent</u>
<u>13</u>	<u>27 months' rent</u>
<u>14</u>	<u>28 months' rent</u>
<u>15</u>	<u>29 months' rent</u>
<u>16</u>	<u>30 months' rent</u>
<u>17</u>	<u>31 months' rent</u>
<u>18</u>	<u>32 months' rent</u>
<u>19</u>	<u>33 months' rent</u>
<u>20</u>	<u>34 months' rent</u>
<u>21</u>	<u>35 months' rent</u>
<u>22</u>	<u>36 months' rent</u>
<u>23</u>	<u>37 months' rent</u>
<u>24</u>	<u>38 months' rent</u>
<u>25</u>	<u>39 months' rent</u>
<u>26</u>	<u>40 months' rent</u>
<u>27</u>	<u>41 months' rent</u>
<u>28</u>	<u>42 months' rent</u>
<u>29</u>	<u>43 months' rent</u>
<u>30, or more</u>	<u>44 months' rent</u>

- (b) The developer must arrange and pay for an insured moving company to relocate existing residents into new accommodation.

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### 1.6. Relocation Assistance

The developer must provide assistance in finding alternate accommodations for displaced tenants as follows:

- (a) Assistance in identifying a minimum of three (3) comparable alternate accommodations, two of which must be located in the City of White Rock or within five (5) kilometres of the City of White Rock’s boundary, and one of which must be a purpose-built rental unit;
- (b) Maximum rents for alternate accommodations must not exceed the CMHC rent average for the area unless agreed to by the tenant;
- (c) If the current rent is above the CMHC average rent for the area, then alternate accommodations identified should not exceed the current rental rate; and
- (d) Alternate accommodation options identified must meet the needs of the tenant (e.g. accessible units, pet friendly, family friendly housing, etc.).

A tenant may choose to opt out of receiving assistance in securing alternate accommodations, but will still be entitled to the compensation, rights, and assistance outlined elsewhere in this policy. Written notice from the tenant must be submitted to the City indicating their intention to opt out of receiving relocation assistance.

### 1.7. First Right of Refusal

The developer must provide all displaced tenants the first right of refusal to live in the new building based on the following options:

- (a) The developer must provide displaced tenants with the first right of refusal to rent a unit in the new development at 10% rents below starting market rent for a similar unit in the new development for a period of one (1) year, after which rents may increase in accordance with the Residential Tenancy Act. These initial rents for returning tenants must be in accordance with the following table:

<u>Length of Tenancy (in years)</u>	<u>% Below Market Rent</u>
<u>Less than 1</u>	<u>20%</u>
<u>1</u>	<u>21%</u>
<u>2</u>	<u>22%</u>
<u>3</u>	<u>23%</u>
<u>4</u>	<u>24%</u>
<u>5</u>	<u>25%</u>
<u>6</u>	<u>26%</u>

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<u>7</u>	<u>27%</u>
<u>8</u>	<u>28%</u>
<u>9</u>	<u>29%</u>
<u>10 or more</u>	<u>30%</u>

(+) ~~increase in accordance with the Residential Tenancy Act,~~ ~~after which rents may~~

- (b) The developer must provide displaced tenants with the first right of refusal to purchase a unit in the new development at a discount equal to the value of 12 month rent in the same unit; or
- (c) The developer must provide displaced tenants with the first right of refusal to rent an affordable unit in projects where affordable units have been proposed, provided the tenant meets the eligibility requirements for the affordable unit. These affordable units, rents and specific time period of affordable rents shall be identified in a related Housing Agreement.

## 2. Tenant Assistance Package

The Tenant Assistance Package is designed for use by tenants and must clearly communicate the developers' commitment to actively engaging tenants in the development process as outlined in the Tenant Relocation Plan. The Tenant Assistance Plan must be submitted as a part of the development application submission package for staff review and must be distributed to tenants within two (2) weeks of receiving staff approval. The Tenant Assistance Package must at minimum, include the following:

- Timeline and overview of the development application process;
- A commitment by the applicant to provide advanced notifications and updates to tenants on upcoming Public Information Meetings, Council Meetings, and Public Hearings relating to the application;
- Contact information for a dedicated Tenant Relocation Coordinator;
- Methods for advising City staff and Council of concerns;
- Responsibilities of the developer to provide financial compensation (including information on First Right of Refusal);
- Method for requesting additional support by vulnerable tenants;
- A current copy of the British Columbia *Residential Tenancy Act*;
- A copy of the City's Tenant Relocation Policy;
- Copies of applicable tenant resources. Copies of tenant resources must also be made available on-site, in conspicuous locations within the building. Resources could include:
  - British Columbia Tenant Resource and Advisory Centre (TRAC)
  - Specialized resources for tenants who may need additional assistance
  - Other resources as appropriate

The developer is responsible for providing copies of all written correspondence and evidence that the Tenant Assistance Package has been provided to tenants, to City staff prior to staff bringing forward a report to Council for consideration of the development application.

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### **3. Final Tenant Relocation Report**

The Final Tenant Relocation Report must be submitted to City staff prior to issuance of a Demolition or Building Permit for the property. The Final Tenant Relocation Report must provide details for each displaced tenant on the following:

- An update to the outcome on the relocation of displaced tenants, including evidence that tenants have been satisfactorily assisted by the developer in locating alternate accommodations;
- The value of compensation given to each tenant including monetary compensation, free rent, cost of moving, and any additional assistance or services that were provided to the tenant(s).

**APPENDIX C**  
**Proposed Council Policy 516: Renovation and Relocation Policy**

THE CORPORATION OF THE  
**CITY OF WHITE ROCK**  
15322 BUENA VISTA AVENUE, WHITE ROCK, B.C. V4B 1Y6



**POLICY TITLE: CITY OF WHITE ROCK RENOVATION/RELOCATION POLICY**

**POLICY NUMBER: PLANNING AND DEVELOPMENT SERVICES NO. 516**

<i>Date of Council Adoption: Nov 18, 2019</i>	<i>Date of Last Amendment:</i>
<i>Council Resolution Number: 2019 - 532</i>	
<i>Originating Department: Planning and Development Services</i>	<i>Date last reviewed by the Governance and Legislation Committee: November 4, 2019</i>

**Policy:**

For Building Permit applications involving the renovation of tenanted rental units, including those in Multi-Family buildings and accessory secondary suites in Single Family buildings:

1. The Building Official to whom the Building Permit application for the proposed renovation or restoration has been assigned, will review the proposed scope of work in conjunction with the policy guideline from the Residential Tenancy Branch (RTB) titled “Ending a Tenancy to Demolish, Renovate, or Convert a Rental Unit to a Permitted Use.” The Building Department staff will provide a comment on whether the type of renovation or repair, according to the examples in the RTB policy guideline, is likely or unlikely to require vacancy of the unit.
2. Upon review of the Building Permit application, staff will contact the owner/agent and work out a comprehensive plan for the renovation work to take place in segments or stages as per the provisions of the Building Bylaw in order to avoid the need for relocation or displace as few person as is required to complete the work proposed. The Building Official may split the application into several permits to achieve the objective of this policy.
3. The Building Official will send a letter to the tenant with a copy of the RTB Guideline titled “Ending a Tenancy to Demolish, Renovate, or Convert a Rental Unit to a Permitted Use” along with staff’s comment on whether the type of renovation or repair, according to the examples in the RTB policy guideline, is likely or unlikely to require vacancy of the unit.

**Rationale:**

The purpose of the Renovation/Relocation Policy is to ensure that tenants in residential dwelling units are not displaced by a Landlord doing only minor renovations or improvements to a building or, where such renovations are large in scope, the impact on the tenants is kept to the bare minimum required to complete the necessary work.



## **APPENDIX D**

### **Sections 49 and 51 of the *Residential Tenancy Act* – “Landlord’s notice: landlord’s use of property” and “Tenant’s compensation: section 49 notice”**

#### **Landlord's notice: landlord's use of property**

**49** (1) In this section:

**"close family member"** means, in relation to an individual,

- (a) the individual's parent, spouse or child, or
- (b) the parent or child of that individual's spouse;

**"family corporation"** means a corporation in which all the voting shares are owned by

- (a) one individual, or
- (b) one individual plus one or more of that individual's brother, sister or close family members;

**"landlord"** means

- (a) for the purposes of subsection (3), an individual who
  - (i) at the time of giving the notice, has a reversionary interest in the rental unit exceeding 3 years, and
  - (ii) holds not less than 1/2 of the full reversionary interest, and
- (b) for the purposes of subsection (4), a family corporation that
  - (i) at the time of giving the notice, has a reversionary interest in the rental unit exceeding 3 years, and
  - (ii) holds not less than 1/2 of the full reversionary interest;

**"purchaser"**, for the purposes of subsection (5), means a purchaser that has agreed to purchase at least 1/2 of the full reversionary interest in the rental unit.

(2) Subject to section 51 [*tenant's compensation: section 49 notice*], a landlord may end a tenancy

- (a) for a purpose referred to in subsection (3), (4) or (5) by giving notice to end the tenancy effective on a date that must be
  - (i) not earlier than 2 months after the date the tenant receives the notice,
  - (ii) the day before the day in the month, or in the other period on which the tenancy is based, that rent is payable under the tenancy agreement, and
  - (iii) if the tenancy agreement is a fixed term tenancy agreement, not earlier than the date specified as the end of the tenancy, or
- (b) for a purpose referred to in subsection (6) by giving notice to end the tenancy effective on a date that must be
  - (i) not earlier than 4 months after the date the tenant receives the notice,
  - (ii) the day before the day in the month, or in the other period on which the tenancy is based, that rent is payable under the tenancy agreement, and
  - (iii) if the tenancy agreement is a fixed term tenancy agreement, not earlier than the date specified as the end of the tenancy.

(3) A landlord who is an individual may end a tenancy in respect of a rental unit if the landlord or a close family member of the landlord intends in good faith to occupy the rental unit.

(4) A landlord that is a family corporation may end a tenancy in respect of a rental unit if a person owning voting shares in the corporation, or a close family member of that person, intends in good faith to occupy the rental unit.

(5) A landlord may end a tenancy in respect of a rental unit if

- (a) the landlord enters into an agreement in good faith to sell the rental unit,
  - (b) all the conditions on which the sale depends have been satisfied, and
  - (c) the purchaser asks the landlord, in writing, to give notice to end the tenancy on one of the following grounds:
    - (i) the purchaser is an individual and the purchaser, or a close family member of the purchaser, intends in good faith to occupy the rental unit;
    - (ii) the purchaser is a family corporation and a person owning voting shares in the corporation, or a close family member of that person, intends in good faith to occupy the rental unit.
- (6) A landlord may end a tenancy in respect of a rental unit if the landlord has all the necessary permits and approvals required by law, and intends in good faith, to do any of the following:
- (a) demolish the rental unit;
  - (b) renovate or repair the rental unit in a manner that requires the rental unit to be vacant;
  - (c) convert the residential property to strata lots under the [Strata Property Act](#);
  - (d) convert the residential property into a not for profit housing cooperative under the [Cooperative Association Act](#);
  - (e) convert the rental unit for use by a caretaker, manager or superintendent of the residential property;
  - (f) convert the rental unit to a non-residential use.
- (7) A notice under this section must comply with section 52 [*form and content of notice to end tenancy*] and, in the case of a notice under subsection (5), must contain the name and address of the purchaser who asked the landlord to give the notice.
- (8) A tenant may dispute
- (a) a notice given under subsection (3), (4) or (5) by making an application for dispute resolution within 15 days after the date the tenant receives the notice, or
  - (b) a notice given under subsection (6) by making an application for dispute resolution within 30 days after the date the tenant receives the notice.
- (9) If a tenant who has received a notice under this section does not make an application for dispute resolution in accordance with subsection (8), the tenant
- (a) is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, and
  - (b) must vacate the rental unit by that date.

#### **Tenant's compensation: section 49 notice**

- 51** (1) A tenant who receives a notice to end a tenancy under section 49 [*landlord's use of property*] is entitled to receive from the landlord on or before the effective date of the landlord's notice an amount that is the equivalent of one month's rent payable under the tenancy agreement.
- (1.1) A tenant referred to in subsection (1) may withhold the amount authorized from the last month's rent and, for the purposes of section 50 (2), that amount is deemed to have been paid to the landlord.
- (1.2) If a tenant referred to in subsection (1) gives notice under section 50 before withholding the amount referred to in that subsection, the landlord must refund that amount.
- (2) Subject to subsection (3), the landlord or, if applicable, the purchaser who asked the landlord to give the notice must pay the tenant, in addition to the amount payable under

subsection (1), an amount that is the equivalent of 12 times the monthly rent payable under the tenancy agreement if

(a) steps have not been taken, within a reasonable period after the effective date of the notice, to accomplish the stated purpose for ending the tenancy, or

(b) the rental unit is not used for that stated purpose for at least 6 months' duration, beginning within a reasonable period after the effective date of the notice.

(3) The director may excuse the landlord or, if applicable, the purchaser who asked the landlord to give the notice from paying the tenant the amount required under subsection (2) if, in the director's opinion, extenuating circumstances prevented the landlord or the purchaser, as the case may be, from

(a) accomplishing, within a reasonable period after the effective date of the notice, the stated purpose for ending the tenancy, or

(b) using the rental unit for that stated purpose for at least 6 months' duration, beginning within a reasonable period after the effective date of the notice.

## **APPENDIX E**

### **Residential Tenancy Policy Guideline 2B: Ending a Tenancy to Demolish, Renovate, or Convert a Rental Unit to a Permitted Use**



RESIDENTIAL TENANCY POLICY GUIDELINE

Page 1 of 8

#### **2B: Ending a Tenancy to Demolish, Renovate, or Convert a Rental Unit to a Permitted Use**

July-19

This policy guideline is intended to help the parties to an application understand issues that are likely to be relevant. It may also help parties know what information or evidence is likely to assist them in supporting their position. This policy guideline may be revised and new guidelines issued from time to time.

#### **A. LEGISLATIVE FRAMEWORK**

Section 49(6) of the *Residential Tenancy Act* (RTA) allows a landlord to end a tenancy if the landlord has all the necessary permits and approvals required by law and intends in good faith to:

1. demolish the rental unit;
2. renovate or repair the rental unit in a manner that requires the rental unit to be vacant;
3. convert the residential property to strata lots under the *Strata Property Act*;
4. convert the residential property into a not for profit housing cooperative under the *Cooperative Association Act*;
5. convert the rental unit for use by a caretaker, manager or superintendent of the residential property; or
6. convert the rental unit to a non-residential use.

Section 42(1) of the *Manufactured Home Park Tenancy Act* (MHPTA) allows a landlord to end a tenancy if the landlord has all the necessary permits and approvals required by law and intends in good faith to convert all or a significant part of the park to a non-residential use or an alternative residential use. (See [Policy Guideline 33: Ending a Manufactured Home Park Tenancy Agreement - Landlord Use of Property](#))

#### **B. PERMITS AND APPROVALS REQUIRED BY LAW**

When ending a tenancy under section 49(6) of the RTA or 42(1) of the MHPTA, a landlord must have all necessary permits and approvals that are required by law before they can give the tenant notice. If a notice is disputed by the tenant, the landlord is required to provide evidence of the required permits or approvals.

The permits or approvals in place at the time the Notice to End Tenancy is issued must cover an extent and nature of work that objectively requires vacancy of the rental unit. The onus is on the landlord to establish evidence that the planned work which requires ending the tenancy is allowed by all relevant statutes or policies at the time that the Notice to End Tenancy is issued.

“Permits and approvals required by law” can include demolition, building or electrical permits issued by a municipal or provincial authority, a change in zoning required by a municipality to convert the rental unit to a non-residential use, and a permit or license required to use it for that purpose. For example, if the landlord is converting the rental unit to a hair salon and the current zoning does not permit that use, the zoning would need to be changed before the landlord could give notice.



**2B: Ending a Tenancy to Demolish, Renovate, or Convert a Rental Unit to a Permitted Use**

July-19

If a required permit cannot be issued because other conditions must be met, the landlord should provide a copy of the policy or procedure which establishes the conditions and show that the landlord has completed all steps possible prior to obtaining vacancy.

If permits are not required for the work, a landlord must provide evidence, such as confirmation from a certified tradesperson or copy of a current building bylaw that permits are not required but that the work requires the vacancy of the unit in a way that necessitates ending the tenancy.

Some local governments have additional requirements, policies and bylaws that apply when landlords are performing renovations to a rental unit. Landlords should check with the local government where the rental unit is located to determine the requirements and submit evidence of meeting these requirements.

Additionally, strata corporations may require certain permits and approvals before a rental unit can be renovated or repaired or converted to a non-residential use and there may be strata bylaws that prohibit the rental unit from being used for a non-residential purpose. If a strata bylaw requires the landlord to obtain permission before renovating the rental unit, the landlord must have that permission in place before giving notice. If a bylaw prohibits the landlord from using the rental unit for a non-residential purpose, the bylaw would need to be changed or the rental unit exempted from the bylaw before giving notice.

**C. GOOD FAITH**

In *Gichuru v Palmar Properties Ltd.* (2011 BCSC 827) the BC Supreme Court found that a claim of good faith requires honest intention with no ulterior motive. When the issue of an ulterior motive for an eviction notice is raised, the onus is on the landlord to establish they are acting in good faith: *Baumann v. Aarti Investments Ltd.*, 2018 BCSC 636.

Good faith means a landlord is acting honestly, and they intend to do what they say they are going to do. It means they do not intend to defraud or deceive the tenant, they do not have an ulterior motive for ending the tenancy, and they are not trying to avoid obligations under the RTA and MHPTA or the tenancy agreement. This includes an obligation to maintain the rental unit in a state of decoration and repair that complies with the health, safety and housing standards required by law and makes it suitable for occupation by a tenant (s.32(1)).

If a landlord gives a notice to end tenancy for renovations or repairs, but their intention is to re-rent the unit for higher rent without carrying out renovations or repairs that require the vacancy of the unit, the landlord would not be acting in good faith.

If evidence shows the landlord has ended tenancies in the past for renovations or repairs without carrying out renovations or repairs of an extent or nature that required vacancy, this may suggest the landlord is not acting in good faith in a present case.





**2B: Ending a Tenancy to Demolish, Renovate, or Convert a Rental Unit to a Permitted Use**

July-19

If the landlord is planning to do renovations or repairs and claims that permits are not required, this raises the question of whether the landlord intends in good faith to renovate or repair the rental unit in a manner that requires vacant possession.

The onus is on the landlord to demonstrate that the planned renovations or repairs require vacant possession, and that they have no other ulterior motive.

**D. DEMOLITION**

Section 49(6)(a) of the RTA allows a landlord to end a tenancy to demolish a rental unit. Demolition means the complete and irreversible destruction of the rental unit. Usually, but not always, this involves the destruction of the building containing the rental unit. This may also involve partial demolition of a building so that the rental unit ceases to exist.

If the tenancy is ending under section 49(6)(a), the tenant has no right of first refusal to enter into a new tenancy agreement with the landlord for the rental unit.

**E. RENOVATIONS OR REPAIRS**

***Vacancy requirement***

Section 49(6)(b) allows a landlord to end a tenancy to renovate or repair a rental unit in a manner that requires the rental unit to be vacant.

In *Berry and Kloet v British Columbia (Residential Tenancy Act, Arbitrator)* (2007 BCSC 257), the BC Supreme Court found that “the renovations by their nature must be so extensive as to require the rental unit to be vacant in order for them to be carried out.” The Court found “vacant” to mean “empty”. The Court also found that it would be irrational to believe that a landlord could end a tenancy for renovations or repairs if a very brief period of vacancy was required and the tenant was willing to move out for the duration of the renovations or repairs.

In *Aarti Investments Ltd. v. Baumann*. (2019 BCCA 165), the Court of Appeal held that the question posed by the Act is whether the renovations or repairs “objectively” are such that they reasonably require vacant possession. Where the vacancy required is for an extended period of time, according to the Court of Appeal, the tenant’s willingness to move out and return to the unit later is not sufficient evidence to establish objectively whether vacancy of the rental unit is required.

In *Allman v. Amacon Property Management Services Inc.* (2006 BCSC 725), the BC Supreme Court found that a landlord cannot end a tenancy to renovate or repair a rental unit just because it would be faster, more cost-effective, or easier to have the unit empty. Rather, it is whether the “nature and extent” of the renovations or repairs require the rental unit to be vacant.



## **2B: Ending a Tenancy to Demolish, Renovate, or Convert a Rental Unit to a Permitted Use**

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### ***Renovations or repairs objectively and reasonably requiring vacant possession***

Renovations or repairs that objectively and reasonably require the rental unit to be vacant to carry them out could include renovations or repairs that will:

- make it unsafe for the tenants to live there (e.g., the work requires extensive asbestos remediation) for a prolonged period; or
- result in the prolonged loss of an essential service or facility (e.g., the electrical service to the rental unit must be severed for several weeks).

Renovations or repairs that result in temporary or intermittent loss of an essential service or facility or disruption of quiet enjoyment do not usually require the rental unit to be vacant. For example, re-piping an apartment building can usually be done by shutting off the water to each rental unit for a short period of time and carrying out the renovations or repairs one rental unit at a time. As long as the tenant provides the landlord with the necessary access to carry out the renovations or repairs, then the tenancy does not need to end.

Cosmetic renovations or repairs that are primarily intended to update the decor or increase the desirability or prestige of a rental unit are rarely extensive enough to require a rental unit to be vacant. Some examples of cosmetic renovations or repairs include:

- replacing light fixtures, switches, receptacles, or baseboard heaters;
- painting walls, replacing doors, or replacing baseboards;
- replacing carpets and flooring;
- replacing taps, faucets, sinks, toilets, or bathtubs;
- replacing sinks, backsplashes, cabinets, or vanities.

A list of common renovations or repairs and their likelihood of requiring vacancy are located in Appendix A.

### **F. RIGHT OF FIRST REFUSAL**

If the tenancy is being ended under section 49(6)(b) and the residential property has 5 or more rental units, the tenant is entitled to enter into a new tenancy agreement for the rental unit once renovations or repairs are complete. The tenant must give the landlord notice that they want to be able to exercise this right by completing form [#RTB-28](#) "[Tenant Notice: Exercising Right of First Refusal](#)". The tenant must give the completed form to the landlord before vacating the rental unit.

If the tenant gives the landlord this notice, the landlord must complete form [#RTB-35](#) "[45 Day Notice of Availability](#)" and give it and a tenancy agreement that will commence on the availability date to the tenant at least 45 days before the renovations or repairs are finished.



## **2B: Ending a Tenancy to Demolish, Renovate, or Convert a Rental Unit to a Permitted Use**

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If the tenant does not exercise their right of first refusal by entering into a new tenancy agreement on or before the availability date set out in the “45 Day Notice of Availability” form, the tenant has no further rights respecting the rental unit. The landlord may then rent it to another tenant.

If the landlord fails to comply with the requirements above or does not allow a tenant to exercise their right of first refusal the landlord must pay the tenant an amount that is the equivalent of 12 times the monthly rent payable under the previous tenancy agreement unless there are extenuating circumstances.

### **G. CONVERTING TO A NON-RESIDENTIAL USE**

Non-residential use means something other than use as living accommodation. However, sometimes use as a living accommodation is secondary, incidental or consequential to a non-residential use. For example, correctional institutions are facilities that incarcerate persons convicted of criminal offences – a non-residential use – but they also provide living accommodation to incarcerated persons. Similarly, community care facilities provide 24-hour institutional care to persons and, in doing so, must also provide living accommodation to those persons. These facilities are considered non-residential even though they provide living accommodation because this use is consequential to their primary institutional use.

Other examples of non-residential use include using the rental unit as a place to carry on business, such as a dental office.

Holding the rental unit in vacant possession is the absence of any use at all. A landlord cannot end a tenancy for non-residential use to leave the rental unit vacant and unused.

### **H. COMPENSATION FOR ENDING TENANCY FOR LANDLORD’S USE**

Both the RTA and MHPTA require a landlord who gives a notice to end tenancy for landlord’s use to pay compensation to the tenant for ending the tenancy. For more information, see [Policy Guideline 50 – Compensation for Ending a Tenancy](#).

### **I. CONSEQUENCES FOR NOT USING THE PROPERTY FOR THE STATED PURPOSE**

If a tenant can show that a landlord who ended their tenancy under section 49 of the RTA or section 42 of the MHPTA has not:

- taken steps to accomplish the stated purpose for ending the tenancy within a reasonable period after the effective date of the notice to end tenancy, or
- used the rental unit for that stated purpose for at least six months beginning within a reasonable period after the effective date of the notice (RTA only),





**2B: Ending a Tenancy to Demolish, Renovate, or Convert a Rental Unit to a Permitted Use**

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the tenant may seek an order that the landlord pay the tenant an amount of additional compensation set by the RTA or the MHPTA Regulations. A landlord may only be excused from these requirements in extenuating circumstances.

For more information on this compensation, see [Policy Guideline 50](#).

**A. CHANGES TO POLICY GUIDELINE**

Section	Change	Notes	Effective Date
new	new	New policy guideline	2019 -07 -08

Change notations

am = text amended or changed

del = text deleted

new = new section added



**2B: Ending a Tenancy to Demolish, Renovate, or Convert a Rental Unit to a Permitted Use**

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**APPENDIX A: COMMON RENOVATIONS OR REPAIRS**

These are examples of common renovations or repairs that may require permits or approvals. This information is provided to act as guidance, acknowledging that each building is unique and evidence may be presented that contradicts this table.

Type of Renovation or Repair	Disruption to tenants	Requires Vacancy?
<b>Electrical</b>		
Electrical service replacement	Usually minimal	Unlikely
Replacing receptacles and switches	Usually minimal	Unlikely
Rewiring a circuit	Usually minimal	Unlikely
Full rewire of the rental unit	May be significant	May require vacancy
<b>Heating</b>		
Boiler/furnace replacement	Usually minimal	Unlikely
Hydronic heating system upgrades	Usually minimal	Unlikely
Electric baseboard heater replacement	Usually minimal	Unlikely
<b>Other Mechanical</b>		
Elevator modernization	Usually minimal	Unlikely
Fire sprinkler installation/replacement	May be significant	May require vacancy
<b>Plumbing</b>		
Re-pipe	Usually minimal	Unlikely
Replacing faucets and fixtures	Usually minimal	Unlikely
Replacing bathtubs/toilets	Usually minimal	Unlikely
<b>Structural/Exterior</b>		
Exterior window/glass door replacement	Usually minimal	Unlikely
Roof replacement	Usually minimal	Unlikely
Building envelope repair/remediation/	Usually minimal	Unlikely
Exterior painting	Usually minimal	Unlikely
Balcony repair/remediation	Usually minimal	Unlikely
Seismic upgrades	Usually minimal	Unlikely
Demolishing load bearing walls	May be significant	May require vacancy



**2B: Ending a Tenancy to Demolish, Renovate, or Convert a Rental Unit to a Permitted Use**

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Type of Renovation or Repair	Disruption to tenants	Requires Vacancy?
<b>Interior</b>		
Replacing cabinets/vanities/countertops	Usually minimal	Unlikely
Replacing backsplashes	Usually minimal	Unlikely
Interior painting	Usually minimal	Unlikely
Replacing interior doors	Usually minimal	Unlikely
Replacing flooring/baseboards	Usually minimal	Unlikely
Replacing appliances	Usually minimal	Unlikely
Adding appliances	Usually minimal	Unlikely
Demolishing a non-load bearing wall	Usually minimal	Unlikely
Minor asbestos remediation	Usually minimal	Unlikely
Full interior wall and ceiling demolition	Likely significant	Likely requires vacancy



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## COUNCIL REPORT

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**TO:** CITY MANAGER **DATE:** 2019 November 27

**FROM:** DIRECTOR PLANNING AND BUILDING **FILE:** 4500 00  
*Reference: Tenant Assistance*

**SUBJECT: REVISED TENANT ASSISTANCE POLICY**

**PURPOSE:** To propose a revised Tenant Assistance Policy based on direction from the Mayor's Task Force on Community Housing (MTFCH).

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**RECOMMENDATIONS:**

1. **THAT** Council approve, in principle, the revised Tenant Assistance Policy as shown in *Appendix A* and outlined in this report.
2. **THAT** Council direct staff to consult with housing stakeholders on the revised Tenant Assistance Policy, as approved in principle.
3. **THAT** Council request the provincial government to review legislation governing residential tenancies, as set out in Section 4.0 of this report.

**REPORT****1.0 EXECUTIVE SUMMARY**

The revised Tenant Assistance Policy is based on direction from the Mayor's Task Force on Community Housing (MTFCH) to create a robust Tenant Assistance Policy that better supports tenants impacted by displacement. The proposed policy is summarized as follows:

- applicant to help tenant secure new housing (temporary or permanent);
- tenant can move back to a unit in the completed development, at the same rent, adjusted for permitted allowable rent increases as per the *RTA* (right of first refusal);
- monetary compensation through a rent top-up or lump sum cash payment in exceptional circumstances;
- moving Assistance Options;
- special considerations for people with disabilities; and,
- compliance with policy to be secured through bonding for value of the tenant assistance compensation.

To: City Manager  
From: Director Planning and Building  
Re: Revised Tenant Assistance Policy  
2019 November 27 ..... Page 2

Upon Council approval in principle of the proposed Tenant Assistance Policy, the policy will come into effect immediately. Staff anticipate returning to Council with a recommendation for adoption of the final policy following consultation with housing stakeholders at a future meeting.

## 2.0 INTRODUCTION

On 2019 February 25, Council directed staff to pursue amendments to the City’s Tenant Assistance Policy to strengthen provisions for renters impacted by displacement.

On 2019 May 27, Council adopted a rental zoning implementation framework, including a policy that requires 1:1 replacement of purpose-built rental units that are lost through development.

On 2019 July 29, Council unanimously adopted the *Mayor’s Task Force on Community Housing Final Report*, which recommends 18 actions grouped under four themes as a basis for further direction and specific initiatives to increase the supply, diversity, and affordability of housing in Burnaby. The *Final Report* also lists ten “Quick Starts” – priority actions that the City can initiate within six months.

Recommendation #10 of the *Final Report* (and Quick Start #3) calls for Council to “adopt a robust tenant relocation policy.” A copy of the recommendation, and a comparison of its provisions with the proposed policy, is provided in *Appendix B*.

This report provides a revised Tenant Assistance Policy that reflects the provisions outlined in Recommendation #10 of the *Final Report*. This report recommends that Council approve the revised Tenant Assistance Policy in principle and that the policy, as approved in principle, serve as the basis for consultation with rental housing stakeholders.

## 3.0 POLICY CONTEXT

As noted above, the *Mayor’s Task Force on Community Housing Final Report* specifically recommends that the City “adopt a robust tenant relocation policy” (Recommendation #10, Quick Start #3).

There are several other City policies that support the provision of tenant assistance and affordable housing:

- Burnaby’s *Official Community Plan* (1997) contains goals within its residential and social policy frameworks to help ensure that the needs of people with special and affordable housing requirements are met. This could be achieved by seeking new methods, regulations, and partnerships to encourage the development and protection of affordable and special needs housing in the City.
- The *Burnaby Economic Development Strategy* (2007) sets a goal of building a strong, liveable, and healthy community, which includes developing a diverse and affordable housing stock which is appropriate to residents’ needs.

- The *Burnaby Social Sustainability Strategy* (2011) contains several actions in the area of affordable and suitable housing, including looking for opportunities to facilitate the development of housing that is supportive of, suitable, and affordable to specific target groups, such as low and moderate income households, and those experiencing mental illness, addictions, family violence, homelessness, and other challenges.

A strengthened Tenant Assistance Policy is further supported by the following goals and sub-goals of the Corporate Strategic Plan:

#### **A Connected Community**

- Partnership - Work collaboratively with businesses, educational institutions, associations, other communities, and governments.
- Social Connection - Enhance social connections throughout Burnaby.

#### **An Inclusive Community**

- Create a sense of community - Provide opportunities that encourage and welcome all community members and create a sense of belonging.

#### **A Healthy Community**

- Healthy life - Encourage opportunities for healthy living and well-being.
- Community involvement - Encourage residents and businesses to give back to and invest in the community.

#### **A Dynamic Community**

- Community development - Manage change by balancing economic development with environmental protection and maintaining a sense of belonging.

### **4.0 BACKGROUND**

#### ***Burnaby Rental Housing Pressures***

Like other Metro Vancouver municipalities, Burnaby is experiencing significant challenges with affordability and the availability of rental housing stock. Vacancy rates across the City range from 0.8 to 3.3 percent<sup>1</sup> and average rents of occupied one bedroom units are approximately \$1,225<sup>2</sup> per month with vacant units being advertised for substantially more.

94% of all existing purpose-built market rental units in the City were constructed prior to the 1980s<sup>3</sup>. Of Burnaby's 354 purpose-built rental buildings, 75% have less than 45 units and more than 50% have less than 20 units.<sup>4</sup> Due to their age, opportunity for increased density, land value, and location, there is significant pressure to redevelop many of these sites. As a result, tenants are being displaced in a challenging rental market.

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<sup>1</sup> CMHC Rental Market Report 2018

<sup>2</sup> CMHC Rental Market Report 2018

<sup>3</sup> City of Burnaby, GIS Data, March 2019

<sup>4</sup> City of Burnaby, GIS Data, September 2019

### ***Tenant Assistance in BC***

The *British Columbia Residential Tenancy Act (RTA)* establishes the rights and responsibilities of landlords and tenants. Under the *RTA*, a landlord who wishes to end a tenancy in order to redevelop a rental property can only do so on certain grounds and must provide each tenant with at least four months' written notice and compensation equal to one month's rent. The landlord must have obtained required permits and approvals prior to issuing the notice, and must abide by other provisions governing special circumstances, such as fixed-term tenancies, vacancy prior to notice date, and dispute resolution.

While the provisions of the *RTA* establish a landlord's obligations to tenants, many municipalities have adopted policies to secure supplementary assistance for tenants facing displacement due to redevelopment. However, under Section 298(2) of the Local Government Act and Section 54(2) of the Community Charter, a local government is limited in its ability to require tenant assistance. Specifically, it may only require it as a condition of rezoning approval, but not of development permit, building permit, or demolition permit issuance. In addition, under the *RTA*, a landlord may issue a notice to end tenancy regardless of any local government requirements for tenant assistance. To expand tenant protections beyond the current scope, staff recommend that Council request that the Province review legislation pertaining to tenancies to address existing legislation gaps.

As understanding of tenant issues improves, some municipalities, including Burnaby, have revised their policies and developed more comprehensive programs to ensure enhanced tenant support.

### ***Tenant Assistance Policy***

On 2015 May 04, Council approved a Tenant Assistance Policy to support tenants of multiple-family rental properties who are displaced by redevelopment. The policy required submission of a Tenant Assistance Plan with all rezoning applications that involved demolition of rental buildings with six or more units. Minimum assistance requirements to tenants included a three-month notice period, three months' compensation to all tenants, as well as support in finding new accommodation and other assistance.

On 2018 March 05, Council amended the Tenant Assistance Policy. The revised policy extended its applicability to renovations that require rezoning and tenant relocation, increased compensation for tenancies of ten (10) years or longer, and provided more specific requirements for timing, notice, and documentation of assistance to tenants. On 2018 May 17, following adoption of longer notice requirements in the *RTA*, the policy was amended to require four months' minimum notice. A copy of the current Tenant Assistance Policy is *attached as Appendix C*.

### ***Rental Replacement Policy***

On 2019 May 27, Council approved a new rental policy framework to ensure the replacement and increase of rental housing in Burnaby at a variety of rent levels and affordability.<sup>5</sup> The four policy

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<sup>5</sup> <https://eagenda.burnaby.ca/sirepub/cache/2/upwdor4g0qwdaaqm11zkfjmj/14758011272019092538314.PDF>

areas of the framework include rental replacement, inclusionary rental, voluntary rental housing in commercial districts, and protection of existing rental sites.

Under the rental replacement policy, redevelopment of existing rental buildings would require:

- 1:1 replacement of units, with similar mix of unit types (e.g. number of bedrooms);
- tenants to be suitably accommodated during construction; and,
- tenants to receive first right of refusal to return to the units at the same rents (with annual RTA rent increases) or rents 20% below Canada Mortgage and Housing Corporation (CMHC) market average rent, whichever is less.

## 5.0 PROPOSED POLICY

The current Tenant Assistance Policy provides a number of supports for tenants facing relocation; however, it does not sufficiently address the outcomes of tenants displaced by redevelopment or renovation. For tenants affected by displacement, the need to secure temporary housing is a primary consideration. In addition, with the adoption of the Rental Replacement Policy, the needs of many tenants impacted by redevelopment have shifted from finding permanent housing to locating temporary housing while awaiting completion of below-market replacement units.

Recommendation #10 of the *Final Report* includes new policies for temporary accommodation, as well as a range of new provisions to strengthen tenant assistance during the relocation process to improve outcomes for tenants. The revised Tenant Assistance Policy presented in this report builds on that recommendation and seeks to provide a clear, comprehensive package of assistance beginning with the initiation of rezoning and ending with occupancy of the replacement unit or renovated suite. In order to achieve consistency in its application, the proposed policy will be accompanied by an Implementation Guide with detailed information on meeting its requirements. More information on the Implementation Guide is provided in Section 6.0 below. In addition, easy to understand documents, including a brochure, will be made available to the community, as described in Section 7.0.

### *Principles*

The proposed policy and implementation framework is guided by the following principles:

- **Affordability:** Tenants who are displaced experience modest increases to their housing expenses, allowing them to maintain their current standard of living.
- **Accessibility:** Accessibility needs are accommodated and prioritized throughout the relocation process.
- **Clarity:** Requirements are clear and comprehensive, so that both tenants and applicants know what to expect throughout the relocation process.
- **Effectiveness:** The policy is robust and ensures that the long term impacts of rezoning are minimized as much as possible.



- **Individualized Assistance:** Tenants, especially those that are vulnerable, receive individualized support throughout the relocation process.
- **Proximity:** Tenants receive supports that will help them to stay in their neighbourhoods, if possible, and maintain community connections.
- **Uniformity:** Information requirements are standardized, allowing for consistent decision making and outcome evaluation.

### *Applicability*

The proposed policy applies to purpose-built market rental buildings with five (5) or more units that require rezoning either for renovation or redevelopment purposes. For the purpose of the policy, purpose-built market rental housing is defined as:

- private rental housing with rents determined by the market; or,
- private stratified housing required to operate as market rental housing in perpetuity by restrictive covenant or housing agreement.

The proposed threshold of five (5) units is one unit lower than the current threshold of six (6) units. This change is recommended to protect additional tenants, as well as to be consistent with the *RTA*. The proposed policy does not extend to renovations or redevelopments that require only Preliminary Plan Approval and/or Building Permit, as recommended by the MTFCH, as additional time is needed to consider the recommended approach. This could entail advocacy for provincial legislation that would expand the power of municipalities to regulate tenant assistance, or establishing a business licence process that could enforce tenant assistance in those cases.

Similarly, additional time is needed to consider tenant assistance provisions for non-market rental and co-operative housing, which presents different opportunities and constraints than market rental housing. As an interim measure, the proposed policy states that the City will work with non-profit and social housing providers to minimize the impacts of displacement on tenants in non-market rental and co-operative housing.

Lastly, the proposed policy applies not only to new rezoning applications, but also to those currently in the rezoning process. Specifically, it applies to all rezoning applications that have not yet received Second Reading by Council. This provision reflects the applicability of the Rental Replacement Policy, which extends to rezoning applications at any stage in the process. Currently, there are 26 rezoning applications representing 1,222 units that are in progress, but have not received Second Reading, that would be subject to the revised policy.

Table 1 below compares the applicability provisions of the proposed policy with those of the current Tenant Assistance Policy:

**Table 1 – Applicability Provisions**

<b>Proposed Policy</b>	<b>Existing Policy</b>
Applies to: <ul style="list-style-type: none"> <li>• Purpose-built market rental buildings with <math>\geq 5</math> units</li> <li>• Rezoning applications for redevelopment or renovation</li> <li>• Applications that have not received Second Reading as of effective date of the policy</li> </ul>	Applies to: <ul style="list-style-type: none"> <li>• Purpose-built market rental buildings with <math>\geq 6</math> units</li> <li>• Rezoning applications for redevelopment or renovation</li> <li>• Applications received as of effective date of the policy</li> </ul>

***Tenant Eligibility***

The proposed policy revises and expands tenant eligibility for a wider-range of benefits. It moves the date of eligibility slightly earlier, to the date of rezoning application submittal, rather than the date of Council authorization to proceed. This minor change is intended to simplify the process, while making the policy more inclusive. The proposed policy also extends to all tenants eligible under the current policy, where the rezoning application has not yet received Second Reading. Those who have already received compensation under the current policy would receive additional compensation so that the sum of their benefits are consistent with the proposed policy.

The proposed policy also addresses former tenants of units that are vacant at the time of rezoning application submittal. To verify vacant units, the City will require a 24-month history of tenancies to be submitted by the applicant at time of rezoning application. This provides, at the City’s discretion, right of first refusal for replacement units for tenants evicted up to 24 months prior to rezoning application submittal for the following reasons:

- landlord’s use of property prior to rezoning application;
- compliance with a government order;
- tenant buy-out;
- frustrated tenancy; and,
- unit was formerly occupied by a caretaker, manager or superintendent.

In the case of tenant buy-out, and bad faith instances of frustrated tenancy, the proposed policy may provide full benefits to tenants.

The proposed policy also specifies that eligible tenants must have a legal tenancy relationship with the landlord; sub-leasing tenants are not eligible unless designated by the primary tenant(s). It also clarifies that benefits apply on a household basis. Lastly, tenants that have already received benefits under the proposed policy, and are faced with displacement from temporary accommodation, cannot receive duplicate benefits; however, they will continue to qualify for rental “top-ups” and other benefits from the original tenant assistance package.

Table 2 below compares the tenant eligibility provisions of the proposed policy with those of the current policy:

**Table 2 – Tenant Eligibility Provisions**

<b>Proposed Policy</b>	<b>Existing Policy</b>
<p>Eligible tenants:</p> <ul style="list-style-type: none"> <li>• Tenants resident at the time of rezoning application submittal</li> <li>• Tenants eligible under the existing policy, if the rezoning application has not had Second Reading</li> <li>• Tenants who received buy-outs prior to rezoning application submittal</li> <li>• Primary tenants only, unless transferred by tenant to a sub-lessee, roommate, or other occupant not on the tenancy agreement</li> <li>• Tenants may only receive benefits from one landlord</li> <li>• Benefits applied on a household basis</li> </ul>	<p>Eligible tenants:</p> <ul style="list-style-type: none"> <li>• Tenants resident at the time of initial Council action on rezoning application</li> <li>• Benefits applied on a household basis</li> </ul>

**Compensation**

The proposed policy incorporates many of the MTFCH’s innovative recommendations on compensation, including an emphasis on temporary accommodation. It includes three main forms of compensation:

1. monetary compensation, either as a rent “top-up” on temporary accommodation or, in exceptional cases, as a lump sum cash payment;
2. moving expenses, either in-kind or as a cash payment; and,
3. right of first refusal on a replacement unit, at the same rent as their current unit, adjusted for permitted allowable rent increases as per the *RTA*.

Each of these forms of compensation are discussed in turn below.

**Monetary Compensation**

The proposed policy offers two primary options for monetary compensation:

- Option 1: Applicant-found housing with rent top-up
- Option 2: Tenant-found housing with rent top-up

Each eligible tenant is entitled to choose either of the above options. These options are intended to support a tenant’s ability to remain in suitable housing while their replacement units are being constructed.

In limited cases, tenants may seek alternatives to a monthly rental top-up, including, but not limited, to those who are:

- purchasing a home;
- entering an assisted living or other long-term care facility;
- entering military service;
- relocation to outside of British Columbia; and,
- relocation to a living arrangement that does not require ongoing rental payments.

In these cases, a tenant may be granted an exception and receive a lump sum payment equivalent to the value of the rent top-up for 36 months.

If a tenant chooses **Option 1**, the applicant (landlord) will present them with three suitable accommodation options. The applicant will select the preferred option and continue to pay the same rent for the temporary accommodation. Any additional rent for the unit will be paid (“topped up”) by the applicant. The tenant will be entitled to stay in the temporary accommodation, and receive the top-up, until their assigned replacement unit is available for occupancy. Should the temporary accommodation be subject to redevelopment, the applicant must repeat the process of identifying new temporary accommodation options for the tenant.

Option 1 is particularly useful for tenants who may face barriers to finding accommodation, such as tenants with disabilities, those with work schedules or family obligations that reduce available viewing times, and those with financial disadvantages.

If a tenant selects **Option 2**, they will find their own temporary accommodation and notify the applicant of their choice. The landlord will provide them with a monthly rent “top-up” up to an established cap equal to the higher of:

- CMHC Rental Market Survey (RMS) Median Rent based on RMS Zone and Bedroom Type + 30% - current rent; or,
- current rent + 15%.

The tenant will be entitled to stay in the temporary accommodation, and receive the top-up, until their assigned replacement unit is available for occupancy. Should the temporary accommodation be subject to redevelopment, the tenant may find another temporary unit, and continue to receive a top-up.

This option provides the tenant with a wider range of accommodation choices, and greater discretion in selecting their temporary home.

Table 3 below provides an example of a monthly top-up:

**Table 3 – Monthly Rent Top-Up Example**

	1-Bedroom	2-Bedroom
CMHC Median Rent for Metrotown Zone (“CMHC”)	\$1,186	\$1,400
CMHC + 30%	\$1,542	\$1,820
Tenant’s Current Rent	\$850	\$1,200
Maximum Monthly Top-up	\$692	\$620

With both Options 1 and 2, tenants whose heating costs are currently included in rent will be offered a heating supplement based on BC Housing’s Monthly Heat Allowance Rates.

Lastly, if a tenant successfully seeks an **exception**, they will receive a lump sum in a single payment. The amount of the lump sum will be equivalent to the benefits provided under Option 2 for a period of 36 months. 36 months is the estimated time in which temporary accommodation will be provided to tenants. Using the example provided in Table 3 above, the tenant with the one-bedroom unit would receive a lump sum equal to:

$$\$692 \times 36 \text{ months} = \$24,912$$

For tenants whose current rents are equal to or greater than CMHC Median Rent, the lump sum payment would be 15% of their current rent multiplied by 36 months. For instance, the tenant of a one-bedroom unit in Metrotown that rents for \$1,600 would receive:

$$\$1,600 \times 15\% \times 36 \text{ months} = \$8,640$$

Similar to Option 1 and Option 2, the amount of benefit will vary depending on the tenant’s current rent. As noted above, this exception is limited to tenants whose circumstances preclude the monthly rent top-up.

***Moving Expenses***

The proposed policy expands upon the MTFCH’s recommendation that moving expenses for tenants be paid for by the applicant, both when moving into and out of temporary accommodation. The proposed policy provides two options for moving assistance:

- provision of an insured moving company, paid by the applicant, as well as moving assistance (e.g., packing, loading) on request; or,
- financial compensation for moving expenses, ranging from \$900 to \$1,400, based on the size of unit.

These provisions ensure that the costly process of moving, which is the direct result of rezoning approval for redevelopment or renovation, is borne by the applicant rather than affected tenants. It

also ensures that tenants who require additional assistance with moving are provided the necessary support.

***Right of First Refusal***

Under the existing Tenant Assistance Policy, tenants are provided the right of first refusal to return to their vacated unit, in the case of renovation, to purchase or rent any new units built on the site, in the case of redevelopment.

These rights were significantly expanded with the adoption, on 2019 May 27, of the Rental Replacement Policy. That policy provides tenants of existing rental buildings the right to a new replacement unit at the same or lower rent, subject to annual RTA increases, and with the same number of bedrooms. The formula for rent in the replacement units is the lesser of:

- final rent amount at application site + RTA allowable annual rent increases for each year from the time the tenant vacates the original unit; or,
- 20% below CMHC RMS Median Market Rent based on RMS zone and bedroom type.

The proposed policy reiterates these requirements and, in its implementation guidelines, provides detailed logistical requirements for the transition from temporary accommodation to the replacement units. In addition, it preserves a tenant’s right of first refusal to purchase a unit in the new development.

**Table 4 – Compensation Provisions**

<b>Proposed Policy</b>	<b>Existing Policy</b>
<ul style="list-style-type: none"> <li>• Two options for temporary accommodation with rent top-up, to continue until occupancy of a replacement unit on site</li> <li>• Replacement unit in new development, with the same rent (+ RTA increases) and same number of bedrooms</li> <li>• Lump sum exception for tenants with prescribed special circumstances</li> <li>• Moving expenses paid or provided in-kind</li> <li>• Right of first refusal to buy a new unit on the site</li> </ul>	<ul style="list-style-type: none"> <li>• Compensation equivalent to three months’ rent for tenancies of less than 10 years</li> <li>• Compensation equivalent to four months’ rent for tenancies of 10 years or more</li> <li>• Right of first refusal to rent or buy a new unit on the site</li> </ul>

***Tenants with Disabilities***

The proposed policy reflects the MTFCH’s recommendation to provide special consideration for tenants with disabilities, including increased notice, moving assistance, and support in finding new accommodations. To assist with this approach, the policy requires completion of a housing needs assessment for each tenant, to ensure that relocation is accomplished in a supportive manner and that temporary accommodation is suitable for tenant’s needs. In addition, should a tenant note the need for an accessible replacement unit, the applicant is required to construct the units to meet the

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accessibility needs expressed by the tenant. This approach departs from the existing Tenant Assistance Policy, which does not differentiate the needs of tenants.

### ***Communications and Support***

The proposed policy requires the applicant to appoint a Tenant Relocation Coordinator (TRC) to assist tenants with finding housing options, if requested, and to fulfill the requirements of the policy. A TRC is already required under the existing Tenant Assistance Policy; however, under the proposed policy and implementation guidelines, the scope of their duties are both greater and more clearly defined. Key requirements include:

- ongoing communication with tenants and Planning Department staff;
- notice requirements at each stage of the rezoning process;
- attendance, along with City staff, at a tenant meeting early in the rezoning process;
- coordination of tenant housing needs assessments; and,
- detailed reporting and accounting requirements.

Notice to vacate the premises remains at four (4) months in the proposed policy, consistent with the *RTA*, the MTFCH recommendation, and the existing policy. Given the extensive communication requirements earlier in the rezoning process, there is little value in extending the notice to vacate period.

### ***Implementation and Privacy***

To ensure support for displaced tenants throughout the development period, certain implementation measures, including bonding from the applicant, will be required. The proposed policy requires bonding to ensure that its requirements are fulfilled, particularly the monetary compensation offered in Option 1 and Option 2. The required bond amount is the equivalent of the total value of the compensation requested by tenants, and is to be held until occupancy of all replacement units has been achieved.

In addition, personal information collected from tenants in fulfillment of the proposed policy will be subject to the protections of the Freedom of Information and Protection of Privacy Act (FIPPA), as outlined in the Implementation Guide.

## **6.0 IMPLEMENTATION GUIDE**

The proposed policy includes a companion document, the Tenant Assistance Policy Implementation Guide, which outlines detailed requirements for fulfilling each of the policy components. The Implementation Guide is intended to ensure clarity and consistency in the application of the policy. The Implementation Guide will be finalized following the recommended stakeholder consultation, and included with the subsequent Council report.

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## 7.0 COMMUNICATIONS

To ensure the benefits outlined in the proposed policy are easily understood, staff will be creating several communications documents. One of the initial documents will be a Tenant Assistance Policy brochure, which will be written in plain language, to help provide clarity to tenants as to the benefits for which they are eligible. This document will also be easily translatable into different languages to help improve understanding for individuals where English is not their first language. Additional communications with tenants and the wider community are envisioned, including a dedicated City email and phone number for tenants to reach City staff.

## 8.0 STAKEHOLDER CONSULTATION/NEXT STEPS

Prior to Council consideration of a final policy, it is recommended that stakeholders with different perspectives on rental housing be consulted. Consultation would consist of a series of meetings with individual stakeholders to review and receive input on the policy and guidelines. Following consultation, staff would report back and provide a recommendation to adopt the final policy.

## 9.0 CONCLUSION

This report responds to Council's direction for a revised Tenant Assistance Policy that strengthens protection for tenants facing displacement. The proposed policy incorporates many of the provisions outlined by the MTFCH in its *Final Report*, and reflects its emphasis on providing temporary accommodation while tenants await replacement units. This report recommends that Council approve the revised Tenant Assistance Policy in principle. It further recommends that Council direct staff to undertake stakeholder consultation on the policy, as approved in principle. If Council chooses to adopt the above recommendations, a report summarizing the results of consultation and recommending adoption of a final policy will be provided at a future meeting. Staff will monitor the progress of the Tenant Assistance Policy and report back to Council every two years, including proposed amendments, if needed.



E.W. Kozak, Director  
PLANNING AND BUILDING

LF/sa

*Attachments*

cc: City Solicitor  
City Clerk





## Tenant Assistance Policy

### 1.0 POLICY INTENT

The Tenant Assistance Policy establishes enhanced standards for accommodating and assisting tenants of multiple family market rental buildings who are displaced from their homes as a result of major renovation or redevelopment that requires rezoning.

Additional guidance to applicants and tenants regarding this policy is detailed in the *Tenant Assistance Policy Implementation Guide (the guide)*, which should be referenced in conjunction with this document.<sup>1</sup>

### 2.0 ROLE OF BRITISH COLUMBIA RESIDENTIAL TENANCY ACT

British Columbia's *Residential Tenancy Act (RTA)* regulates all tenancies in residential units across the province. It is essential for both landlords and tenants to understand their rights and responsibilities under the *RTA*.

The Tenant Assistance Policy does not replace requirements set out in the *RTA*. Instead, this policy is intended to supplement the *RTA*, establishing additional measures to mitigate challenges and concerns experienced by Burnaby renters.

### 3.0 APPLICABILITY

#### 3.1 Housing Type

This policy applies to purpose-built market rental buildings with five or more dwelling units. Purpose-built market rental includes:

- private rental housing with rents determined by the market; and/or,
- private stratified housing required to operate as market rental housing in perpetuity by restrictive covenant or housing agreement.

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<sup>1</sup> The Tenant Assistance Policy Implementation Guide will be provided to Council at time of final approval of the Tenant Assistance Policy.

This policy does not apply to non-market rental and co-operative housing.

### 3.2 Application Type

This policy applies to rezoning applications that impact the applicable housing type and requires tenants to be displaced due to demolition or major renovation. Building Permits that are not associated with a rezoning application are not subject to the policy.

Rezoning applications that have not received Second Reading by Council as of the effective date of this policy are subject to this policy, provided the application pertains to the applicable housing type.

### 3.3 Eligible Tenants

Benefits prescribed under this policy are provided on a household basis and apply to tenants named on a tenancy agreement with the landlord at the time the rezoning application is submitted to the City. In the absence of a tenancy agreement, benefits will be provided on a household basis to all tenants who reside in the affected unit.

### 3.4 Ineligible Tenants

The following tenants are not eligible for benefits under this policy, but may be included at the applicant's discretion:

- tenants who begin their tenancy after the rezoning application is submitted;
- tenants who live in buildings where the rezoning application has received Second Reading by Council as of the effective date of this policy;
- tenants who have or will be receiving benefits under this policy for another active rezoning application in which the replacement units have not received a certificate of occupancy from the City;
- tenants who sub-lease their unit and do not have a tenancy relationship with the original landlord, unless the original tenant chooses to transfer benefits, in part or in whole, to the sub-tenant in writing; or,
- roommates or occupants who do not have a tenancy relationship with the original landlord, unless the head-tenant chooses to transfer benefits, in part or in whole, to the roommate or occupant in writing

Landlord obligations to tenants under the *RTA* continue to apply, even if tenants are ineligible under this policy.

### 3.5 Units Vacant at Time of Rezoning Application

Tenants that formerly resided in a unit that is vacant at the time of rezoning application may be eligible under this policy, if the unit is vacant for the following reasons:

- landlord's use of property prior to rezoning application;
- compliance with a government order;
- tenant buy-out;
- frustrated tenancy; or,
- unit was formerly occupied by a caretaker, manager or superintendent

For more information on vacant units, please refer to the *guide*.

## 4.0 TENANT ASSISTANCE

Applicants must provide tenants with the following benefits:

### 4.1 Relocation Assistance

A Tenant Relocation Coordinator must be hired or appointed by the applicant to assist tenants in finding alternate housing options where required, and to deliver upon the items outlined under this policy and the accompanying *guide*.

The Tenant Relocation Coordinator must be responsive to tenants, including being available to answer tenants questions on phone and email at regular and consistent hours. A dedicated email address for the Tenant Relocation Coordinator must be established and contact information for the Tenant Relocation Coordinator should be posted within the building in accessible locations frequented by tenants.

### 4.2 Financial Compensation

Tenants may select one of two financial compensation options, paid for by the applicant:

#### *(1) Rent Top-Up in Applicant Secured Temporary Housing*

Under this option, the applicant or Tenant Relocation Coordinator is responsible for finding three temporary housing options for tenants. Options for temporary housing should be located in Burnaby, ideally within the same quadrant of Burnaby as the tenant currently lives in, unless otherwise specified by the tenant. Options are restricted to Metro Vancouver municipalities. Transportation assistance to view temporary housing options must be provided by the applicant, if requested by the tenant.

The tenant will continue to pay their existing rent amount with any overage ("top-up") paid for by the applicant. The applicant is further responsible for payment of additional security and pet damage deposits for the temporary tenancy, above that which has been collected for the existing tenancy, if applicable.

Permitted *RTA* allowable rent increases will be calculated based on the proportion of rent paid for by the tenant and applicant. The "top-up" provided by the applicant will end the last day of the month proceeding the determined move-in date for a replacement unit, irrespective of the tenant relocating into the replacement unit.

or

**(2) Rent Top-Up in Tenant Secured Temporary Housing**

Under this option, the tenant chooses to find their own temporary housing at their chosen rent amount. Tenants are entitled to receive a "top-up" from the applicant, up to a maximum of the greater of the following formulas:

*(Most recent CMHC Rental Market Survey (RMS) median rent for the applicable RMS zone and bedroom type + 30 percent) – current rent of tenant*

OR

*Current rent of tenant x 15 percent*

Tenants who elect to secure their own housing are entitled to receive the rent "top-up" at the time that all remaining tenants in the application site receive a Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of Rental Unit, or upon City issuance of a demolition permit, whichever occurs first.

Permitted *RTA* allowable rent increases will be calculated based on the proportion of rent paid for by the tenant and applicant. The "top-up" provided by the applicant will end the last day of the month proceeding the determined move-in date for a replacement unit, irrespective of the tenant relocating into the replacement unit.

Exception:

On an exception-only basis, tenants may receive a one-time lump sum payment as compensation from the applicant, equal to the greater of the following formulas:

*(Most recent CMHC Rental Market Survey (RMS) median rent for the applicable RMS zone and bedroom type + 30 percent) – current rent of tenant*

OR

*(Current rent of tenant x 15 percent) x 36 months*

Exceptions to which tenants may receive a one-time lump sum payment will be reviewed and approved by the Director of Planning and Building and may include, but are not limited to, the following reasons:

- purchasing a property;
- entering assisted living or other long-term care facility;
- entering military service;
- relocation to outside of British Columbia; or,
- relocation to a living arrangement that does not require ongoing rental payments.

Documentation must be provided to the City to verify exception requests prior to approval.

#### 4.3 Heating Supplement

If a tenant was displaced from a unit where heating costs were included in the rent and selects a temporary housing unit that is not inclusive of heating costs, the applicant must provide a monthly heating supplement to the tenant in accordance with BC Housing's Monthly Heat Allowance Rates.

#### 4.4 Moving Assistance

Tenants may select one of two moving assistance options, provided on a household basis, paid for by the applicant:

1. An insured moving company arranged by the applicant
  - To include boxes and/or packing assistance, if requested
  - Only available to tenants relocating within Metro Vancouver

or

2. A flat rate payout, based on existing bedroom type, of \$900 for studio or one-bedroom units, \$1200 for two-bedroom units, and \$1,400 for three bedroom or larger units

#### 4.5 Replacement Unit

Under the Rental Replacement Policy, tenants are eligible for the right of first refusal for a replacement rental unit in the redeveloped building. At a minimum, tenants will be offered a replacement unit that has the same number of bedrooms as the unit they formerly had at the application site. Where tenants have identified accessibility requirements in their Household Needs Assessment, the applicant must construct units in accordance with the tenant's accessibility needs.

In perpetuity, rents paid by tenants in replacement units are to be the lesser of the following formulas:

*Final rent amount at application site + RTA allowable rent increases in intervening years since vacating application site*

OR

*Most recent CMHC Rental Market Survey (RMS) median rent for the applicable RMS zone and bedroom type – 20 percent*

Tenants are to be provided the same moving assistance options outlined in Section 4.4 to move into the replacement unit.

## **5.0 IMPLEMENTATION**

### **5.1 Tenant Compensation Selection**

As of the effective date of this policy, the applicant must not enter into any compensation agreement with tenants until a City-attended group tenant meeting has occurred. Tenants are to communicate their selected benefit options directly to the City.

### **5.2 Bonding**

To ensure compensation obligations are fulfilled, bonding from the applicant is required.

The applicant must provide a cost estimate of all tenant assistance benefits to the City prior to Final Adoption of the rezoning bylaw. After review, the City will require bonding in the determined amount, plus a 1% Administration Fee (plus GST), to be submitted to the Planning Department by certified cheque or irrevocable Letter of Credit.

The bonding will be released upon review and approval of the final report prepared after all replacement units have been occupied by the Director of Planning and Building

## **6.0 COMMUNICATION AND REPORTING**

Applicants and/or Tenant Relocation Coordinators are expected to be in regular communication with tenants and support tenants throughout the relocation process. Applicants and/or Tenant Relocation Coordinators are further expected to be in regular communication with the City of Burnaby's Planning Department, which will provide oversight on all tenant assistance activities.

Please refer to the *Tenant Assistance Policy Implementation Guide* for detailed information on document submission and meetings required as part of this policy.

## 6.1 Group Tenant Meeting

Within 60 days of Council authorizing Planning Department staff to work with the applicant, the applicant must convene a meeting with all tenants in the building to introduce the Tenant Relocation Coordinator, answer tenant questions, provide and explain the Household Needs Assessment form, and obtain consent for City staff to contact tenants and use their information to monitor implementation of the Tenant Assistance Policy. City staff must be present at this meeting.

## 6.2 Tenant Assistance Plan

The following documents, which together comprise the Tenant Assistance Plan, must be submitted to the City at the following intervals:

*At submission of rezoning application:*

- Documentation of all units in the building, including vacant units, including the size and bedroom type, rental rates, tenancy information, and other pertinent information in the approved forms
- Signed Freedom of Information and Protection of Privacy Act compliance form

*Within two months of Group Tenant Meeting:*

- Household Needs Assessment

*With demolition permit application:*

- Confirmation of benefits selected by tenants

*Within one month of the building being vacant or prior to Final Adoption of rezoning bylaw:*

- Tenant Relocation Report

*Two months prior to occupancy of replacement units:*

- Status Report of Impending Moves into Replacement Units

*One month after occupancy of replacement units:*

- Final report of New Tenancies in Replacement Units

## 6.3 Freedom of Information and Protection of Privacy Act

To protect tenants' private information, all information received by the applicant and the City must be administered in compliance with the Freedom of Information and Protection of Privacy Act.

Approved in principle by Burnaby City Council on \_\_\_\_\_  
Approved by Burnaby City Council on \_\_\_\_\_

Comparison Between Mayor’s Task Force on Community Housing Recommendation and Proposed Tenant Assistance Policy

DEVELOPMENT TYPE	RECOMMENDATION	PROPOSAL
<b>Demolition (Rezoning)</b>	Tenants are provided right of first refusal for a replacement unit	✓
	Tenants are provided priority placement in unclaimed replacement units on other properties	Requires further analysis
	Tenants are provided temporary accommodation	✓
	Applies only to tenants who are resident at the time of initial Council action on a rezoning application (not subsequent tenancies)	✓
	Applies to all buildings with six or more units	✓✓ Applies to all buildings with five or more units
<b>Renovation (Rezoning)</b>	Tenants are provided temporary accommodation	✓
	Tenants are provided with right to return to the same unit at the same rent (subject to RTA increases) and under the same rental agreement	✓
	Applies to all renovations that are in buildings with six or more units	✓✓ Applies to all buildings with five or more units
	Applies to all renovations that require tenants to vacate the unit(s) and require a building permit	City does not have legal authority outside of applications for rezoning
	Enforced through business licence process (e.g. City of New Westminster approach)	Requires further analysis



<b>Notice</b>	Four (4) months	✓
<b>Temporary Accommodation</b>	Provided at “swing sites” developed through public-private partnerships; or	Requires further analysis
	Provided in private market, with developer providing rental “top-ups” to cover rent beyond current rates	✓
	“Top-up” shall be equal to the difference between existing rent and rent for temporary accommodations, up to an established cap (e.g., CMHC Average Market Rent + 20%)	✓✓ Established cap is CMHC median rent + 30%
	Unit must be suitable in size, number of bedrooms, and accessibility	✓
	Temporary accommodation benefits do not apply retroactively to tenants who have received monetary compensation under the current Tenant Assistance Policy	✓
<b>Tenants with Disabilities</b>	Special consideration is to be given to tenants with disabilities, including increased notice, moving assistance, and support in finding new accommodations	✓✓ Replacement unit has to be constructed to meet accessibility needs of tenant
<b>Moving Assistance</b>	Developer to pay moving expenses for all tenants (to a maximum of \$750 for units with <1BD and \$1000 for units with >2BD). Expenses shall also be paid for the move from temporary to permanent accommodations.	✓✓ Moving expenses payout range from \$900 to \$1,400
	Tenants can postpone moving in case of inclement weather (e.g., snow, ice)	✓



## Tenant Assistance Policy

Where a rezoning application involves six or more tenanted dwelling units in a multiple family rental building, and includes the anticipated demolition or renovation of the units to the extent that tenants must permanently relocate, applicants must submit a Tenant Assistance Plan in accordance with the following guidelines.

### Guidelines:

The Tenant Assistance Plan is to be provided within 30 days of Council authorization to work with the applicant on a rezoning proposal. The Tenant Assistance Plan (TAP) shall include:

- Documentation of the affected units, including the number and size of units, rental rates, and tenant information, using the form provided. All tenancies at the time of Council authorization shall be documented and provided full assistance under the TAP.
- A plan to guide communications between the applicant and the tenants, including a commitment to:
  - Provide written notification to each affected unit, outlining the terms of the plan and confirming eligibility status.
  - Provide on-site advertisement of tenant resources, such as the BC Tenant Resource Advisory Centre (TRAC);
  - As part of the rental agreement, notify replacement tenancies in writing of the proposed redevelopment of the property and their ineligibility for assistance (should the applicant choose to provide assistance to these tenancies, this should also be detailed);
  - Keep records of all written correspondence and notifications for one year following demolition and to provide these records to the City upon request; and
  - Include a communications summary in the plan implementation report.
- A commitment to provide assistance to tenants seeking alternative accommodation, by way of:
  - An offer to interested tenants to secure any available rental housing unit in the new development, or in an off-site rental housing unit managed by the same applicant;
  - An offer to interested tenants to purchase an available housing unit in the new development;
  - Information on other suitable rental accommodations; and

- Designation of a Tenant Relocation Coordinator or other key contact to assist tenants in identifying and obtaining suitable replacement accommodations.
- A minimum of the equivalent of three months' rental payment compensation payable to each tenant to compensate for moving expenses, utility reconnection fees, and relocation costs. For tenants resident in a unit for at least ten years, a minimum of four months' rental payment compensation is required.
- A minimum of four months' notice provided to each tenant.
- If requested by the tenant, payment of compensation in the form of free rent, with the balance of compensation paid as a lump sum if relocation occurs prior to the end of the notice period.
- Otherwise, compensation is to be paid no later than a tenant's notice to vacate, either before or after the three-month notice is given.

Prior to demolition, the applicant shall provide a final report documenting the results of plan implementation, using the form provided.

The Planning and Building Department will confirm that the Plan has been completed, or provided for, prior to recommending final adoption of the rezoning bylaw.

Adopted by Burnaby City Council 2018 March 05  
Amended 2018 May 17

CITY OF PORT COQUITLAM  
BUSINESS AMENDMENT BYLAW, 2019  
Bylaw No. 4116

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The Council of the Corporation of the City of Port Coquitlam enacts as follows:

1. CITATION

This Bylaw is cited as “Business Bylaw, 2010, No. 3725, Amendment Bylaw, 2019, No. 4116.

2. ADMINISTRATION

Business Bylaw, 2010, No. 3725 is amended as follows:

2.1 By adding the following definition to Section 2. Definitions:

“*Residential Tenancy Act*” means Chapter 78 of the Statutes of British Columbia 2002 and any successor legislation dealing with the relationship between residential landlords and their tenants.

2.2 Adding the following as Section 42. SUITE RENTAL BUSINESSES:

42.1 No owner of a **Suite Rental Business** in an apartment building shall deliver to any tenant a notice of termination of the tenant’s tenancy of a suite in the apartment building in order to renovate or repair the suite, or having delivered such a notice prior to the adoption of this Bylaw, require the tenant to vacate their suite pursuant to the notice, unless the owner has obtained every building permit, plumbing permit, development permit or heritage alteration permit required by any City bylaw and any other permit or approval required to authorize the renovation or repair, and has either:

- (a) entered into a new tenancy agreement with the tenant in respect of a comparable suite in the same building, on the same terms, including rent, as the tenancy agreement pertaining to the suite being renovated or repaired, or terms that are more favourable to the tenant, and provided a copy of the agreement to the Licence Inspector, or
- (b) made other arrangements in writing for the tenant’s temporary accommodation during the course of the renovation or repair, and for their return to their original suite following completion of the renovation or repair, with no increase in rent other than any additional rent increase allowed under Part 3 of the *Residential*

*Tenancy Act*, and provided to the Licence Inspector satisfactory documentation of the arrangements including evidence of the tenant's consent to the arrangement.

- 42.2 For the purposes of Section 42.1,
- (a) a suite is comparable to a suite that is being renovated or repaired if it has the same or a greater number of bedrooms and complies with the maintenance standards in Section 32 of the *Residential Tenancy Act*, and the rent for the suite is equal to or less than the rent for the suite that is being renovated or repaired; and
  - (b) the new tenancy agreement may either transfer the tenant's tenancy permanently to the other suite or entitle the tenant to occupy the other suite temporarily during the course of the renovation or repair and return to their original suite following completion of the renovation or repair with no rent increase other than any "additional rent increase" approved under Part 3 of the *Residential Tenancy Act*.
- 42.3 An owner who is subject to Section 42.1 may apply to the Council for:
- (a) an exemption from that section in respect of the owner's building, on the grounds that the owner's renovation or repair plans cannot be safely implemented unless the building is vacated, or
  - (b) an exemption from that section in respect of a portion of the owner's building, on the grounds that the owner's renovation or repair cannot be safely implemented unless that portion of the building is vacated and there are insufficient vacant suites in the building to which the owner could relocate tenants.
- 42.4 An application under Section 42.3 must be accompanied by the written opinion of a suitably qualified person that, after due consideration of all practical alternative approaches to the work, the safe implementation of the owner's renovation or repair plans requires that the owner's building be vacated or that a portion of the owner's building be vacated.
- 42.5 The Council may require an owner who has made an application under Section 42.3 to pay the City's cost in obtaining a second opinion from a suitably qualified person on whether the safe implementation of the owner's plans requires that the owner's building or portion of the owner's building be vacated.
- 42.6 The Council may, in approving an exemption, impose conditions pertaining to the relocation of tenants, including conditions relating to the accommodation of tenants during and following the renovation or repair and the rent that may be charged for the suites following the completion of the work.

- 42.7 Section 42.1 does not apply to any suite in a building that has been determined by an architect, engineer or building code consultant or any governmental authority having jurisdiction, including the local assistant to the fire commissioner, to have been damaged by natural disaster, fire, water, smoke, insect infestation or structural failure to the point that it is unsafe for any person to occupy the building, if the determination is made in writing and a copy has been delivered to a Licence Inspector before any notice of termination of a tenant's tenancy is delivered to any tenant in the building.
- 42.8 The Licence Inspector may require an owner of a suite rental business to provide, prior to obtaining a business licence or business licence renewal under this Bylaw, a statutory declaration that states the rent payable in respect of any suite prior to and following renovation or repair work for which the owner required a tenant to vacate their suite and, if the rent was increased, a copy of the director's approval of the rent increase under Part 3 of the *Residential Tenancy Act*.
- 42.9 The Licence Inspector may issue or renew a business licence under this bylaw to an owner who has applied for an additional rent increase related to renovation or repair under Part 3 of the *Residential Tenancy Act* if the director has not yet decided the rent increase application, if in doing so the Inspector indicates on the licence that a surcharge may become payable under Section 42.10 if the additional rent increase is not allowed, but the rent for the suite in question exceeds the rent that is allowed without the increase.
- 42.10 The Licence Inspector may levy a monthly business licence surcharge on any owner who increases rent contrary to this Bylaw, in the amount that is the difference between the rent permitted by this Bylaw and the rent that the owner's tenant is paying in respect of the suite that has been renovated or repaired, and may refuse to renew the business licence of any owner who, being subject to such a surcharge, has not paid the surcharge by the date on which the licence renewal is required.
- 42.11 For certainty, Sections 42.1 to 42.10 apply in respect of the renovation or repair of any suite in an apartment building regardless of whether a building permit authorizing the renovation or repair had been applied for or issued prior to the date of adoption of Business Amendment Bylaw No. 4116, 2019, and regardless of whether a notice to terminate a tenancy had been delivered prior to that date.
- 42.12 In Sections 42.1 to 42.11, "owner" means the owner of any apartment building who operates a **Suite Rental Business** in the building and includes the person who holds a Licence under this Bylaw to carry on that business."

2.3 Sections 42 - 46 are renumbered accordingly.



# Options for Tenant Assistance During Redevelopment and Renovation

**WHITE ROCK**  
*My City by the Sea!*

*January 27, 2020*



# Purpose of Corporate Report

- Opportunity for broad discussion by Committee regarding how the City should balance support for tenants with need for renewal of buildings.
- Provide analysis of existing City policies in comparison with other jurisdictions (Port Coquitlam and Burnaby)
- Bring forward, for discussion, potential amendments to related policies as options for consideration

# Eviction During Renovation vs. Demolition

There are two scenarios in which tenants may be required to leave their dwelling unit due to physical changes to the building (per section 49(6) of the Residential Tenancy Act):

- 1. Renovation:** where the building alterations are so extensive that it is not possible to live in the unit or be relocated within another unit in the building, and the landlord requires the unit to be vacant; or
- 2. Demolition:** where the building/unit is going to be demolished entirely (typically to allow for the development of a new building on the property).

# Renovation / Reno-viction

- Typically renovations to existing buildings do not require rezoning or other development approvals from Council
- City permits are required if the renovations are for Building or Plumbing, but electrical permits are not issued by the City (they are issued by Technical Safety BC)
- Issuing Building or Plumbing Permits is not a discretionary exercise of staff (i.e. if application complies, the permit must be issued)
- Compensation for tenants is governed by *Residential Tenancy Act*

# Demolition / Redevelopment

- Typically demolition of an existing buildings will be associated with rezoning or other development approvals from Council
- Approving a rezoning a discretionary exercise of staff (i.e. Council is not obligated to approve an application)
- Compensation for tenants is governed by *Residential Tenancy Act*
- City policies (e.g. Policy 514 in White Rock, Tenant Assistance Policy in Burnaby) can be applied during a rezoning to have an applicant go above the *Residential Tenancy Act*

# Port Coquitlam Business Bylaw Approach

- The bylaw requires that tenants returning to a renovated unit pay the same rent they were paying prior to vacating; this is in excess of the Residential Tenancy Act, which does not require this
- A legal challenge of this bylaw was submitted, but discontinued. The courts have not provided a ruling on the validity of the bylaw.
- Existing City policy (516) could be updated to reference to Residential Tenancy Branches policy guideline “Ending a Tenancy to Demolish, Renovate, or Convert a Rental Unit to a Permitted Use,” to communicate with Building Permit applicants and tenants whether it is likely or unlikely that the renovation would require vacancy of the unit.

# Burnaby Tenant Assistance Policy Approach

- Burnaby also implements tenant assistance that goes beyond the Residential Tenancy Act through a Policy that is applied during a rezoning process (for a demolition or a renovation scenario).
- Burnaby's development context is different and larger projects are able to generate more profit which can be used to subsidize rents for existing tenants.
- Existing City policy (516) could be updated to reference to Residential Tenancy Branches policy guideline "Ending a Tenancy to Demolish, Renovate, or Convert a Rental Unit to a Permitted Use," to communicate with Building Permit applicants and tenants whether it is likely or unlikely that the renovation would require vacancy of the unit.

# Burnaby Tenant Assistance Policy Approach

Major differences with Burnaby's approach:

- Burnaby's policy also applies to a renovation of a building where a rezoning is required, whereas White Rock's only applies to the demolition of an existing building and construction of a new rental building, not to renovations;
- Burnaby's policy allows existing tenants to return to the new building at the current rent levels, whereas White Rock's policy only requires that the returning tenants pay 10% below market rent (noting that significantly more density, i.e. larger buildings, would likely be required to subsidize rents in a new building to the existing rent levels of an older building);

# Burnaby Tenant Assistance Policy Approach

Major differences with Burnaby's approach (continued):

- Burnaby's policy requires that an applicant provide existing tenants with a monthly top-up during the construction period to cover the difference in rent between their current rents and the rent in their temporary accommodation (or lump sum compensation), whereas White Rock's policy does not require a top up; and
- Burnaby's policy requires the applicant to provide a history of tenancies 24 months prior to the rezoning application submission to address situations where the tenant may have been evicted in bad faith (e.g. in order to avoid compensation), whereas White Rock's policy does not require this history.



# Potential Unintended Consequences

- 1) Supply, Vacancy Rates, and Rent Increases
- 2) Condition and Maintenance
- 3) Buy Outs and Bad Faith Evictions

# Proposed Amendments (for discussion)

- 1) Standardize targets for community amenity contributions (CACs) in Town Centre Transition areas (\$430/sq.m. above 1.5 FAR) and Waterfront Village areas (\$646/sq.m above 1.75 FAR). Reduce targets by 50% where applicant has provided compensation to displaced tenants in accordance with Policy 514.
- 2) All returning tenants to receive 10% below market rent, with an additional percentage for each year of tenancy, up to a maximum 30% below market rent.
- 3) All tenants (returning or not) to receive increased compensation...

# Proposed Amendments (for discussion)

- 3) All tenants (returning or not) to receive increased compensation, e.g. (detailed table in report):

Tenancy Length (Years)	Months of Rent Compensation		
	Proposed (WR)	Current (WR)	Vancouver
0	4	3	4
1	6	3	4
5	14	4	5
10	24	5	6
15	29	6	6
20	34	6	12
25	39	6	12
30	44	6	18*

# Discussion / Questions

**WHITE ROCK**  
*My City by the Sea!*

The background features several light gray, stylized wavy lines that sweep across the lower half of the page, creating a sense of movement and representing waves or a coastal breeze.