

Item		*****	
Meeting	2020	March	69

COUNCIL REPORT

TO: CITY MANAGER

DATE: 2020 March 04

FROM: DIRECTOR PLANNING AND BUILDING FILE: 16000 00 Reference: Tenant Assistance

### SUBJECT: FINALIZED TENANT ASSISTANCE POLICY

**PURPOSE:** To present an amended Tenant Assistance Policy for Council consideration based on stakeholder feedback received on the 2019 December 02 approved-inprinciple policy.

### **RECOMMENDATIONS:**

- 1. THAT Council adopt the amended Tenant Assistance Policy, *attached* as *Appendix* A.
- 2. THAT a copy of this report be sent to Landlord BC, members of the Mayor's Task Force on Community Housing, TRAC Tenant Resource and Advisory Centre, Urban Development Institute, and BC's Minister of Municipal Affairs and Housing.

### REPORT

### **1.0 INTRODUCTION**

On 2019 July 29, Council unanimously adopted the *Mayor's Task Force on Community Housing Final Report*, which recommended 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 listed ten "Quick Starts" – priority actions that the City can initiate within six months. Recommendation #10 of the *Final Report* (and Quick Start #3) called for Council to "adopt a robust tenant relocation policy."

On 2019 December 02, Council approved, in principle, a revised Tenant Assistance Policy ('approved policy') and directed staff to consult with housing stakeholders prior to reporting back with a recommendation for final adoption.

This report presents the feedback that was gathered from housing stakeholders and puts forward amendments to the approved policy based on what was heard, and further analysis by staff. The proposed amendments are guided by the following principles identified in the 2019 December 02 Revised Tenant Assistance Policy Report:

• 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.

This report makes a recommendation for adoption of an amended policy, which would apply to all in-stream rezoning applications that have not received Second Reading by Council, as well as new rezoning applications submitted after the adoption of this policy.

### 2.0 POLICY CONTEXT

The Tenant Assistance Policy is part of a range of policies, strategies, and regulations that support the City's efforts to address the full housing continuum and to support the needs of residents in Burnaby. For context, the proposed Tenant Assistance Policy supports the following Counciladopted policies:

- 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.

• The *Rental Use Zoning Policy and Initial Implementation Framework* (2019) sets out policies and a framework to support the construction of new and replacements rental units throughout the City, a mechanism to achieve affordability for rental units, and provides guidance for the rental use zoning provisions in the Zoning Bylaw.

A strengthened Tenant Assistance Policy further aligns with 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
  - o 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

### 3.0 STAKEHOLDER ENGAGEMENT AND RECOMMENDATIONS TO AMEND POLICY

At the direction of Council, staff met with housing stakeholders to obtain feedback about the approved-in-principle Tenant Assistance Policy. Those consulted included members of the development, landlord, and tenant advocacy communities, in addition to those members of the Mayor's Task Force on Community Housing who were keenly interested in this particular area of the Task Force's work. They provided their opinions and requested rationale for various aspects of the policy.

The feedback received, staff comment, and recommendations in response to the policy are summarized below. The amended Tenant Assistance Policy is *attached* as *Appendix A*. It is noted that staff are also recommending a number of clarification and housekeeping amendments, which are not described in the sections below, but are described in *Appendix B*, a table summarizing all amendments to the policy.

### 3.1 Units Vacant at Time of Rezoning Application

The approved policy includes a provision that former tenants of units that are vacant at the time of rezoning application may be eligible for compensation if the unit was vacated due to landlord's use of property, compliance with a government order, tenant buy-out, frustrated tenancy, or to relieve a building manager of their duties.

### What We Heard

Multiple stakeholders voiced their support for the policy inclusion above, communicated that it would discourage bad faith evictions, and ensure tenants are compensated fairly as if they had continued to reside in the unit. Other stakeholders communicated concerns about the difficulty applicants would experience locating tenants who had been evicted or had vacated a unit.

### Staff Comment

The purpose of this provision is to ensure units are not prematurely vacated for reasons not consistent with the policy intent and overall goals of tenant protection. For example, this measure would address situations where applicants may vacate units and not re-occupy them for a substantial period of time to avoid the City's Tenant Assistance Policy. This policy provision is not intended to be used as a proxy for retroactive compensation of tenants, instead, it is to ensure tenants who were evicted by applicants seeking to avoid the Tenant Assistance Policy are fairly compensated.

### **Recommendation**

It is recommended that the policy be amended to remove the specific reasons for which the landlord may have ended tenancies. Instead, if it is determined that a unit was vacated to circumvent the Tenant Assistance Policy, the amended policy would permit the City to review the circumstances and require tenant assistance, if warranted. In addition, this provision has been clarified to state that this would only apply to the last tenant living in the unit prior to it being vacant, up to 24 months preceding the submission of a rezoning application. The policy is also amended to explicitly state that this provision is not intended to be used as a way to compel retroactive compensation of tenants whose tenancies were ended in good faith or who have already been compensated under an approved Tenant Assistance Plan.

### 3.2 Top-Up Compensation

The approved policy requires a rent top-up to be provided to tenants during the displacement period to account for the difference in the amount of rent they currently pay compared to current market rates. Where the applicant finds the interim housing, the tenant continues to pay their existing rent with any overages supplemented by the applicant. Alternatively, if the tenant finds the interim housing, they can receive a monthly top-up amount up to the published CMHC median rent for their zone plus 30 percent or the tenant's current rent plus 15 percent, whichever is greater. Like previous policies, the approved policy includes a provision for tenants to receive one-time lump sum compensation, but it is now only available to tenants in limited exceptional circumstances.

The provision for top-up compensation was a recommendation made by the Mayor's Task Force on Community Housing.

### What We Heard

While the top-up was well received by most stakeholders, concerns were raised about the financial capacity of the development industry, particularly smaller rental owners and operators, to administer and pay for the compensation. Some stakeholders also noted the discrepancy between the Task Force recommending a top-up of CMHC average market rent + 20% and the policy providing for 30% above CMHC median market rents.

### Staff Comment

Staff determined that the usage of a 'median' rent, in contrast to the 'average' rent, is a more accurate representation of the rental market and is statistically more valid. In addition to using median values, the approved policy put forward a top-up cap of 30% above CMHC published rental market amounts rather than the 20% put forward by the Task Force. CMHC annually publishes results from its Rental Market Survey in a Rental Market Report. The CMHC report includes such items as average rents, median rents, and average rents of vacant units. The average and median rental amounts published are reflective of rents paid by tenants of occupied units which are typically lower than that of vacant units. It should also be noted that the values published by CMHC are reflective of rents in the previous calendar year. At the time an individual is looking at the Rental Market Report, it is likely that rents would have increased from the published amount. As a result of the significant disparity between CMHC published rental amounts for occupied and vacant units, it was determined that 30% above CMHC median rents would provide tenants a better chance of securing housing within the City and their neighbourhoods.

### **Recommendation**

For the above reasons, no changes to the formula for top-up compensation are recommended.

### 3.3 Heating Supplement

The approved policy provides for a heating supplement to be paid to tenants who had heat included at the application site and where their interim unit does not.

### What We Heard

Stakeholders supported the inclusion of a heat supplement and requested that other services and facilities that tenants currently have included in their rent also be considered. Stakeholders voiced that it is low-income individuals that are disproportionately disadvantaged by reductions in services and facilities.

### Recommendation

It is recommended that an additional financial supplement be provided to tenants for hot water where this was previously included in a tenant's rent. The supplement for hot water is to be calculated using Fortis BC's Appliance Cost Tool which allows users to calculate the cost of water heating for both electric and gas home energy. To:City ManagerFrom:Director Planning and BuildingRe:Finalized Tenant Assistance Policy2020 March 04......Page 6

Further, it is recommended that the heating and hot water supplements be required for applicantfound housing only, and that tenants finding their own housing factor in the cost of these provisions in their selection of an interim unit.

### 3.4 Additional Compensation for Eligible Tenants that Have Vacated Application Site

The report presented to Council on 2019 December 02 noted that tenants that have already received compensation under the previous policies would receive additional compensation so that the sum of the benefits received would be consistent with the approved policy.

### What We Heard

Retroactivity of compensation was met with varied opinions. Some stakeholders voiced support for this provision as they believed that there may have been tenants who prematurely vacated their rental units due to pressure from applicants, landlords, and Tenant Relocation Coordinators. Other stakeholders voiced concerns that this provision may put development projects at risk as financial projections were calculated based on the adopted Tenant Assistance Policy at the time of rezoning application. These stakeholders also stated that it would be difficult to locate former tenants to provide them with additional compensation, and raised issues of equity and fairness.

### **Recommendation**

It is recommended that eligible tenants that have vacated their units prior to 2019 December 02 and have received financial compensation in accordance with previous versions of the Tenant Assistance Policy not receive additional financial compensation. While these tenants are not eligible for supplementary financial compensation, they will continue to have a right of first refusal for a replacement unit as per the City's Rental Use Zoning Policy.

### 3.5 Moving Assistance

To assist tenants with relocation, the approved policy provides for moving services arranged and paid for by the applicant or a flat-rate payout based on the number of bedrooms. Tenants that select moving services arranged by the applicant can also request assistance with packing and packing supplies.

### What We Heard

A stakeholder voiced concern that the addition of an insured moving company to be provided by the applicant and the increased amounts put forward for a flat-rate payout did not align with the recommendations made by the Task Force. For packing assistance, there was both support and opposition. While some stakeholders appreciated the extra help that tenants would receive, the City also heard that it could take days or weeks to support tenants in packing, and there were concerns that without limits, this may be a significant financial burden to applicants. 

### Staff Comment

The Task Force recommended that tenants receive up to a maximum of \$750 for studio and onebedroom units and \$1,000 for 2-bedrooms and above to assist with moving costs. This aligns with Vancouver's Tenant Relocation and Assistance Policy, and is slightly higher than Victoria's Tenant Assistance Policy, which requires compensation of \$500 for studio and one-bedroom units, \$750 for two bedroom units, and \$1,000 for three-bedroom and above units.

Staff recommended in the approved policy that tenants have the choice of having the applicant arrange and fully pay for an insured moving company or receive a flat-rate payout of \$900 for studio and one-bedroom units, \$1,200 for two-bedroom units, and \$1,400 for three-bedroom units and larger. The recommendation to include the option of an insured moving company paid for and arranged by applicants is the same as Vancouver and Victoria. In comparison, the City's flat-rate moving compensation rates are higher, but reflect current market rates for moving in Burnaby.

### **Recommendation**

It is recommended that the policy be amended so that the provision for packing assistance is only made available to tenants with mobility impairments. This will ensure that vulnerable tenants are supported throughout the moving process, but will provide limitations on its use to address stakeholder concerns.

### 3.6 Replacement Unit Rents for Returning Tenants

The approved policy noted a returning rent for displaced tenants that was different than that noted in the Rental Use Zoning Policy. The Rental Use Zoning Policy and Initial Implementation Framework report, adopted by Council at its meeting dated 2019 May 27, grants tenants the right of first refusal for a replacement rental unit. As per that policy, there may be tenants that are eligible for a replacement unit at more than one site. Tenants in this position will be offered the right of first refusal for both units, but will only be permitted to occupy one. The unit that they forego will be utilized as per the Rental Use Zoning Policy.

### What We Heard

The current language in the approved policy does not align with the Rental Use Zoning Policy and the rents established for returning tenants under the approved Tenant Assistance Policy could possibly result in unintended rent reductions.

### **Recommendation**

For clarity and alignment purposes, it is recommended that the approved policy be amended to refer to the Rental Use Zoning Policy to establish starting rents for returning tenants. It is also recommended that the policy be amended to note that tenants eligible for more than one replacement unit may only occupy one.

### 3.7 Implementation

Execution of tenant assistance plans that involve rent top-ups necessitate applicants to develop significant administrative capacity. Applicants will be required to track displaced tenants and issue monies on a monthly basis. Where requested, applicants will also need to find tenant housing, sometimes more than once if the tenant is displaced again.

### What We Heard

Some stakeholders voiced concerns about the costs associated with such administrative tasks.

Other stakeholders voiced their concerns about applicants following through with policy requirements. They communicated that there may be instances where applicants decide that foregoing the bond that is required by the City to secure tenant assistance provisions may be less of a financial burden than meeting obligations. Concerns were also voiced about the potential of applicants not making reasonable efforts to locate former tenants and offering them the right of first refusal for replacement units.

### Staff Comment

Staff will work with applicants and tenants to ensure effective implementation of the policy.

### 3.8 Bonding

The approved policy requires that applicants submit a certified cheque or irrevocable Letter of Credit, in addition to a 1% administration fee and GST to the City to secure the value of tenant assistance compensation.

### What We Heard

The policy provision requiring bonding to secure the value of tenant assistance plans was met with mixed review. Certain stakeholders were favourable towards bonding and felt that it was necessary to ensure that applicants carry out their obligations, while others were primarily concerned about the financial implications on the cost of development.

### Recommendation

To address stakeholder concerns about the financial impact of the administration fee, and the narrow bond choices available, it is recommended that the policy be amended to remove the administration fee and GST requirement. It is also recommended that the policy be amended to allow applicants to submit bonding in any form that is determined to be acceptable by the City. This will allow the City to consider additional forms of bonding, recognizing that final adoption of a rezoning amendment bylaw will also require the successful implementation of the approved Tenant Assistance Plan, with verification being provided by City staff.

### 3.9 Ongoing Maintenance

### What We Heard

The *Residential Tenancy Act* obligates landlords to repair and maintain their rental units. Some stakeholders communicated concerns about repair and maintenance at rezoning sites within the City, and others communicated negative practices by landlords observed in neighboring municipalities. These stakeholders requested that the City ensure that tenanted sites impacted by rezoning continue to be serviced and maintained to ensure habitability.

### **Recommendation**

To address concerns about the habitability of occupied rental units in buildings impacted by development, it is recommended that the policy communicate the applicant's obligation to ensure that tenanted units at the application site continue to meet health, safety, and housing standards established by law and be reasonably safe for occupation given the nature and location of the property.

### 4.0 IMPLEMENTATION GUIDE

The 2019 December 02 Revised Tenant Assistance Policy report stated that to ensure clarity and consistency in the application of the policy, an implementation guide would be released with this report. However, review and refinement of the guide to ensure it is a useful resource for staff, applicants, and tenants is required, and thus it is proposed that this guide follow adoption of the policy, and remain an internal resource.

### 5.0 ADVOCACY TO THE PROVINCE

As highlighted in the 2019 December 02 Revised Tenant Assistance Policy report to Council, municipalities are limited in their ability to apply tenant assistance policies. Where tenant assistance policies exist and are a condition of rezoning, their effectiveness is limited due to a landlord's ability to issue an eviction notice for demolition, renovation, repair or conversion of a rental unit without having fulfilled municipal policy requirements. In addition, the current treatment of financial compensation received under municipal tenant assistance policies may impact eligibility and compliance with provincial income-tested programs. Finally, meeting the requirements of the *Freedom of Information and Protection of Privacy Act* and *Personal Information Protection Act* with respect to tenant information is challenging for local governments, and guidance from the Province would be beneficial.

In our stakeholder feedback, it was restated that municipalities should have the ability to require tenant assistance for permits other than rezoning applications. Since the approved policy's release, staff have engaged with BC Housing and provincial government staff from the Housing Policy Branch, Residential Tenancy Branch, and Ministry of Social Development and Poverty Reduction to discuss how they may be able to support and enhance local governments' efforts, including those of the City. On 2020 February 24, Council passed a resolution calling on the Province to address the above noted issues.

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 City Manager

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 Director Planning and Building

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### 6.0 COMMUNICATIONS

Staff will communicate to those directly impacted by this policy through a number of means including printed materials, the City website, and on-site visits. A brochure to highlight benefits of the Tenant Assistance Policy has been developed and is *attached* as *Appendix C*. It will be distributed to tenants and be made available through various public facilities, and upon request to community organizations.

The Planning and Building Department has also set up a dedicated phone number and e-mail address so that tenants know who to contact at City Hall. Contact information for the Renter's Office is:

E-mail: <u>rentersoffice@burnaby.ca</u> Telephone: 604-294-7750

### 7.0 NEXT STEPS

Upon Council adoption of the amended policy *attached* as *Appendix A*, staff will begin its implementation.

### 8.0 CONCLUSION

This report responds to Council's direction for staff to consult with housing stakeholders on the revised Tenant Assistance Policy, and puts forward amendments to the policy based on what was heard. The amended policy addresses concerns by both tenant and landlord stakeholder groups, and works to ensure that tenants are supported and applicants have clarity on the policies and procedures for tenant assistance. It is finally noted that the policy will be reviewed every two years, with amendments brought forward for Council consideration as required.



LG/WT/PK:sa/tn Attachments

cc: Director Corporate Services Director Public Safety and Community Services Director Finance City Solicitor City Clerk

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### **Tenant Assistance Policy**

### 1.0 POLICY INTENT

The Tenant Assistance Policy establishes 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 approval.

### 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* to help tenants impacted by renovation or redevelopment.

For more information on the RTA, please refer to the <u>Residential Tenancy Branch's website</u>.

### 3.0 APPLICABILITY

### 3.1 Housing Type

This policy applies to privately-owned multiple family rental buildings with five or more dwelling units.

This policy does not apply to community housing that is operated as below market rental by nonprofit housing societies, housing co-operatives, the Provincial government, the City, regional government authorities, or Indigenous nations.

### 3.2 Application Type

This policy applies to rezoning applications that impact the applicable housing type and result in tenant displacement due to demolition or renovation. Demolition or renovation of properties that are not associated with a rezoning application are not subject to this policy.

Rezoning applications that did not receive Second Reading by Council as of December 2, 2019 are subject to this policy, provided the application pertains to the applicable housing type. Rezoning applications that had received Second Reading by Council as of December 2, 2019 are subject to previous versions of this policy.

### 3.3 Eligibility Dates

### 3.3.1 For Rezoning Applications Made Prior to December 2, 2019

As the City had previous versions of the Tenant Assistance Policy, the following eligibility dates establish when a tenancy is considered eligible under the current policy:

- For rezoning applications that received Council authorization for staff to work with the applicant on a suitable plan of development prior to December 2, 2019, the eligibility date is the Council authorization date.
- For rezoning applications that did not receive Council authorization for staff to work with the applicant on a suitable plan of development prior to December 2, 2019, the eligibility date is the date the application is submitted to the City.

### 3.3.2 For Rezoning Applications Made After December 2, 2019

For applications made after December 2, 2019, the eligibility date of establishing tenancy is the date the application is submitted to the City.

### 3.4 Eligible Tenants

Benefits prescribed under this policy apply to tenants that have a tenancy agreement with the landlord on the eligibility date outlined in Section 3.3. Benefits are provided on a dwelling unit basis and will be distributed to those named on the written tenancy agreement. In the absence of a written tenancy agreement, benefits will be provided to all tenants who permanently reside in the affected dwelling unit. Eligible tenants who have received financial benefits under the previous Tenant Assistance Policy are eligible for a replacement unit only, as per the Rental Use Zoning Policy.

### 3.5 Designated Tenant

Where there is more than one eligible tenant that resides in the dwelling unit, tenants are required to determine amongst themselves who will be the designated tenant and communicate this decision to the Tenant Relocation Coordinator. The designated tenant will be the primary communications contact for the applicant, Tenant Relocation Coordinator, and the City and shall be responsible for ensuring that all eligible tenants receive the benefits under this policy.

### 3.6 Ineligible Tenants

The following tenants are not eligible for benefits under this policy:

- tenants who begin their tenancy after the eligibility dates outlined in Section 3.3;
- tenants who have or will be receiving top-up or lump sum compensation in accordance with the December 2, 2019 amendment to the Tenant Assistance Policy for another rezoning application and are eligible for and awaiting an offer of a replacement rental unit under that application;
- sub-tenants who do not have a tenancy agreement with the original landlord, unless the eligible tenant chooses to transfer benefits, in part or in whole, to the sub-tenant in writing; or

• roommates or occupants who are not named on a written tenancy agreement with the landlord, unless the tenant named on the written tenancy agreement chooses to transfer benefits, in part or in whole, to the roommate or occupant in writing.

At the applicant's discretion, ineligible tenants may be included in the Tenant Assistance Plan. Landlord obligations to tenants under the *RTA* continue to apply, whether tenants are eligible or not under this policy.

### 3.7 Units Vacant at Eligibility Date

If a dwelling unit in a building is vacant on the eligibility dates outlined in Section 3.3, the last tenant of that unit in the 24 months preceding the submission of an application for rezoning may be eligible for benefits under this policy, if the City determines that the unit was vacated due to reasons inconsistent with the policy intent and overall goals of tenant protection.

This policy is not intended to be used as a proxy for retroactive compensation of tenants whose tenancies were ended in good faith.

### 4.0 TENANT ASSISTANCE

Applicants must provide eligible tenants with the following benefits:

### 4.1 Tenant Relocation Coordinator

A Tenant Relocation Coordinator must be designated by the applicant to assist tenants in finding alternate housing options as required by Section 4.2.1(1) of this policy, and to assist with the delivery of the applicant's obligations outlined in this policy.

The Tenant Relocation Coordinator will be the primary contact with the City on tenant-related matters and must be responsive to both the City and tenants, including being available to answer questions by phone and email at regular and consistent hours.

Tenant Relocation Coordinators must keep records of all written correspondence and notifications for one year following occupancy of the replacement units and provide these records to the City upon request.

### 4.2 Relocation Assistance

### 4.2.1 Financial Compensation

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

(1) Rent Top-Up in Applicant Secured Interim Housing

Under this option, the applicant or Tenant Relocation Coordinator is responsible for finding three interim housing options for tenants. Options for interim housing are to be located in Burnaby, with priority for the same area as the residence of the tenant, unless otherwise

agreed to by the tenant. Options are restricted to Metro Vancouver municipalities and should meet the tenant's needs as identified in their Household Needs Assessment form.

Responsibility for the tenant's rent, deposits and any rental increases at the applicant secured interim housing unit will be as follows:

- the tenant will be responsible for the amount equivalent to the tenant's rent at the Rezoning application site;
- the applicant will pay or pay to the tenant any rent amount which exceeds the tenant's rent at the Rezoning application site ("top-up");
- the applicant will pay or pay to the tenant any additional security and pet damage deposits, as applicable, for the interim housing unit, above the amount of such deposits for the tenant's unit at the Rezoning application site; and,
- any rent increases, as permitted by the *RTA*, at the interim housing unit will be split between the tenant and applicant in proportion to the amount of rent each of the tenant and applicant are responsible for (per the first two bullets above).

If the rent under the tenancy at the Rezoning application site includes heat and/or hot water costs, and the rent for the interim housing unit does not, the applicant must provide an additional monthly financial supplement for heat and/or hot water costs. The monthly heating supplement is to be in accordance with BC Housing's Monthly Heat Allowance Rates, and the hot water supplement is to be calculated using Fortis BC's Appliance Cost Tool.

If the tenancy in an applicant secured interim housing unit ends due to no fault of the tenant prior to occupancy of the replacement unit, the applicant will be required to secure another interim rental unit for that tenant.

The "top-up" provided by the applicant will start on the date that the tenant moves into the applicant secured interim housing unit and end on the last day of the month after the determined move in date for a replacement unit, irrespective of whether or not the tenant relocates into a replacement rental unit provided by the applicant as part of the rezoning application.

### OR

### (2) Rent Top-Up in Tenant Secured Interim Housing

Under this option, a tenant finds their own interim housing without the assistance of the applicant and at the rent amount chosen by the tenant.

Responsibility for the tenant's rent, deposits and any rental increases at the tenant secured interim housing unit will be as follows:

• the tenant will be responsible for the full amount of the rent for the interim housing unit and all security and pet damage deposits, as applicable;

 the applicant will pay to the tenant, on a monthly basis, a "top-up" for the difference between the tenant's monthly rent at the Rezoning application site and the tenant's monthly rent at the interim housing unit, up to a maximum of the greater of the following formulas:

### (Most recent CMHC Rental Market Survey (RMS) median rent at move-out for the applicable RMS zone and bedroom type + 30 percent) – tenant's monthly rent at Rezoning application site

OR

### Tenant's monthly rent at Rezoning application site x 15 percent; and,

 any rent increases, as permitted by the RTA, at the interim housing unit will be split between the tenant and applicant in proportion to the amount of the "top up" (as calculated below) as compared to the full amount of the rent for the interim housing unit.

Tenants who elect to secure their own housing are entitled to start receiving the rent "topup" on the date that all remaining eligible tenants in the Rezoning application site receive a Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of Rental Unit, or when no eligible tenants reside at the Rezoning application site, whichever comes first. The "top-up" provided by the applicant will end on the last day of the month after the determined move-in date for a replacement rental unit provided by the applicant as part of the rezoning application, irrespective of whether or not the tenant relocates into the replacement unit.

### Exceptions to Rent Top-Up Financial Compensation Options

On an exception-only basis, tenants may receive a one-time lump sum payment as compensation from the applicant under this policy. The lump sum payment will be an amount equal to the greater of the following formulas:

### (Most recent CMHC Rental Market Survey (RMS) median rent at move-out for the applicable RMS zone and bedroom type + 30 percent) – tenant's rent at applicant's building) x 36 months

### OR

### (Tenant's rent at applicant's building x 15 percent) x 36 months

Exceptions to which tenants may receive a one-time lump sum payment are as follows:

- tenant purchasing a property as a permanent residence;
- tenant moving into assisted living or other long-term care facility;
- tenant entering military service;
- tenant relocating to outside of British Columbia;

 tenant relocating to a living arrangement that does not require ongoing rental payments.

A tenant seeking a lump sum exception must complete and submit a form to the City that attests to their eligibility for the exception request. Tenants who are eligible for and elect to receive lump sum compensation are entitled to receive the full payment on the date all remaining eligible tenants in the application site receive a Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of Rental Unit, or when no eligible tenants reside at the application site, whichever comes first. Tenants that select lump sum compensation continue to be eligible for a replacement unit at the redeveloped or renovated site.

### 4.2.2 Moving Assistance

Moving assistance is to be provided on a dwelling unit basis. Tenants may select one of two moving assistance options paid for by the applicant on the moving date:

- (1) An insured moving company arranged by the applicant
  - To include packing supplies if requested by the tenant
  - Only available to tenants relocating within Metro Vancouver
  - The household must determine a single destination for belongings if members choose to relocate to separate dwelling units

OR

(2) A flat rate payout, based on existing bedroom type, of \$900 for studio or one-bedroom units, \$1,200 for two-bedroom units, and \$1,400 for three bedroom or larger units

### 4.2.3 Support for Vulnerable Tenants

To mitigate the impacts of the relocation process on vulnerable tenants, applicants are required to provide additional support to individuals who request support. Support for vulnerable tenants includes early communication and notifications where appropriate, provision of transportation to view interim housing units, and packing assistance for those with mobility impairments.

### 4.3 Replacement Unit

Under the Rental Use Zoning Policy - Rental Replacement Stream, tenants that are eligible for assistance under the Tenant Assistance Policy are to be provided the opportunity to move into a new replacement unit upon completion by way of their right of first refusal. At a minimum, tenants will be offered a replacement unit that has the same number of bedrooms as the unit they formerly rented at the rezoning application site and will be provided the same moving assistance options outlined in Section 4.2.2 to return to the replacement unit. Rents for the replacement units will be in accordance with the Rental Use Zoning Policy. Tenants who are displaced more than once and are eligible for multiple replacement rental units will have right of first refusal for replacement units at all sites where they formerly resided, but may only occupy one replacement unit.

Where tenants have identified accessibility requirements in their Household Needs Assessment form prior to relocating from the rezoning application site, the applicant should provide a replacement unit that meets their needs and be adaptable as defined by and in accordance with the BC Building Code, whether or not the tenant's unit at the rezoning application site is accessible.

### 5.0 IMPLEMENTATION

### 5.1 Tenant Compensation Selection

Tenant selection of their preferred financial compensation can only occur after the group tenant meeting organized by the applicant and attended by the City, as required by Section 6.1 of this policy, has been held. Tenants are required to communicate their selected financial compensation option directly to the City using the form established by the City.

Tenants have up to the following dates to select their preferred compensation option:

Financial Compensation Options	
Option 1 – Applicant Secured Interim Housing	A minimum of 14 weeks prior to the effective date of a Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of Rental Unit and must not have received lump sum payment
Option 2 – Tenant Secured Interim Housing	On any date prior to the end of "top-up" entitlement, but must not have received lump sum payment
Exception – Lump Sum Compensation	On any date prior to the end of "top-up" entitlement

Moving Assistance Options	
Option 1 – Insured Moving Company Arranged by the Applicant	If Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of Rental Unit has <u>not</u> been served, a minimum of one full month's notice If Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of Rental Unit has been served, a minimum of 10 days' notice
Option 2 – Flat Rate Payout	On any date, but the tenant must not have previously requested the applicant to arrange for an insured moving company

Tenants are permitted to change their selected compensation option up to the timelines provided in this section. Tenants that are living in applicant secured housing can change to tenant secured housing or receive a lump sum payment, if they meet the exceptions stated above, up to the end of the "top-up" entitlement period. Tenants that have received moving assistance when moving out of the rezoning application site will not receive supplementary moving assistance if they choose to change their financial compensation option.

Tenants that have received additional money to supplement a security and/or pet deposit for applicant secured housing who then change to another compensation option must return this additional amount to the applicant in accordance with Section 5.3 of this policy. Tenants that meet

the exceptions who would like to change to lump sum compensation sum will have the sum of topup compensation payments subtracted from the amount of the lump sum they are eligible to receive.

### 5.2 Household Needs Assessment Form

To document pertinent details of tenants' existing tenancy, information about the household's needs for their replacement unit, and to determine other benefits of this policy where applicable, tenants must complete a Household Needs Assessment form prior to vacating their rental unit. The Household Needs Assessment form is established by the City, and will be available from Tenant Relocation Coordinators to whom this form will be submitted. The Tenant Relocation Coordinator will provide a report, in a manner specified by the City, summarizing the needs of the tenants and proposed benefits being provided to them. Tenants that desire applicant secured housing must complete the form and provide it to the Tenant Relocation Coordinator a minimum of 12 weeks prior to the effective date of Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of Rental Unit.

### 5.3 Return of Additional Deposits Received for Applicant Secured Interim Housing

Tenants are not entitled to keep any additional security and/or pet damage deposit(s) received at the end of their tenancy for applicant secured interim housing. Additional deposits must be returned at the end of the tenancy for applicant secured interim housing or after receipt of a decision by a Residential Tenancy Branch arbitrator in the event that the interim unit's landlord has filed for dispute resolution to keep the deposit(s) or the tenant has filed for its return.

### 5.4 Bonding

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

Prior to Final Adoption of the Rezoning Amendment Bylaw, the applicant must provide the City a cost estimate of all outstanding tenant assistance benefits that have not been paid to tenants. After review, the City will require bonding in the determined amount to be submitted to the Planning Department in a form acceptable to the City. The applicant must also submit a summary of all tenant assistance benefits that have been paid at the time of submitting their cost estimate.

The bonding will be released when the Final Tenant Assistance Report has been reviewed and approved by the Planning and Building Department.

### 6.0 COMMUNICATION AND REPORTING

Applicants and/or Tenant Relocation Coordinators are required to be in regular communication with tenants and support tenants throughout the relocation process. Applicants and/or Tenant Relocation Coordinators are also required to be in regular communication with City of Burnaby staff.

### 6.1 Tenant Assistance Plan

The following components, which together comprise the Tenant Assistance Plan must be completed and reporting submitted to the City at the following intervals:

At submission of rezoning application:

- Establish a dedicated email for the Tenant Relocation Coordinator that is owned by the applicant and associated with only the rezoning application for which the Tenant Assistance Plan is for;
- Provide a copy of this Tenant Assistance Policy and written notification to each unit, outlining the Tenant Assistance Plan and confirmation of eligibility status;
- Post contact information for the Tenant Relocation Coordinator, City of Burnaby Renter's Office, and other tenant resources such as TRAC Tenant Resource & Advisory Centre and the Residential Tenancy Branch within the building in accessible locations frequented by tenants;
- Provide documentation of all units in the building, including vacant units, start date of tenancies, number of bedrooms, rental rates, and other pertinent information on the approved forms; and,
- Submit a signed compliance form indicating that the applicant will collect, manage, and disclose all tenant information in compliance with the *Freedom of Information and Protection of Privacy Act* and *Personal Information Protection Act* (see Section 6.2 of this policy).

Within 60 days of Council authorizing the Planning Department to work with an applicant toward a Suitable Plan of Development:

• Convene a group tenant meeting with all tenants in the building to introduce the Tenant Relocation Coordinator, answer tenant questions, and provide and explain the Households Needs Assessment form. City staff must be present at this meeting.

Date that any notice to end tenancy is issued to an eligible tenant:

- Notification to the City that the notice has been issued
  - For any notice other than the Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of Rental Unit, the reason for the notice and the unit number must be provided.

Within one month of building(s) on rezoning application site being vacant or prior to Final Adoption of rezoning bylaw:

• Tenant Relocation Report on form established by the City

One month after occupancy of replacement units:

• Final Tenant Assistance Report on form established by the City

### 6.2 Collecting, Storing and Disclosing Tenant Information

To protect tenants' personal 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* and *Personal Information Protection Act*.

### 7.0 MAINTENANCE REQUIREMENTS AT APPLICATION SITE

Applicants must ensure that occupied building(s) and the property(ies) on the rezoning application site continue to comply with health, safety, and housing standards required by law and consistent with the age, character and location of the building(s) and property(ies).

### 8.0 FINAL ADOPTION OF REZONING BYLAW

The Planning and Building Department will confirm that the applicant's Tenant Assistance Plan has been implemented in accordance with this policy prior to recommending Final Adoption of the Rezoning Amendment Bylaw.

Approved by Council 2015 April 24

Amended \_\_\_\_\_

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Section in Finalized Policy	Торіс	Issue	Proposed Amendment
1.0	Policy Intent	The relationship between the Tenant Assistance Policy and <i>Tenant Assistance Policy Implementation</i> <i>Guide</i> (the <i>guide</i> ) requires clarification.	Remove all references to the <i>guide</i> in the policy to clarify that the <i>guide</i> is not a Council-approved document, but instead a reference document that will be continuously updated to provide implementation and interpretation guidance to applicants, tenants, and internal City staff.
3.1	Applicable Housing Type	The definition of purpose-built rental housing is confusing and the list of community housing operators is not comprehensive.	Remove the definition of purpose-built rental housing and broaden the list of community housing operators that are exempt from this policy.
3.3	Eligibility Dates	The previous policy set eligibility from the date of Council authorization, but the approved-in-principle policy establishes eligibility from the date of Rezoning application date, rendering some in-stream applications ineligible.	Clearly state the eligibility dates for Rezoning applications submitted prior to 2019 December 02 (in- stream applications), as well as applications made after 2019 December 02.
3.4	Eligible Tenants – Benefits paid on a 'dwelling unit' basis	The approved-in-principle policy requires benefits to be paid on a 'household' basis, but the term is not defined.	Clarify that benefits are to be provided on a 'dwelling unit' basis.
3.4	Eligible Tenants – Additional Compensation for Tenants that Have Vacated Application Site	The 2019 December 02 Council report notes that tenants who have vacated the application site would receive additional compensation.	Clarify that tenants who have received benefits under a previous policy are not eligible for additional financial compensation, but will continue to receive right of first refusal for a replacement dwelling unit, as per the Rental Use Zoning Policy.
3.5	Designated Tenant	The approved-in-principle policy is not clear as to whom the main point of contact for communication purposes would be if a household had more than one 'eligible tenant.'	Create a new definition of 'designated tenant', who is to be the point of contact for the applicant, Tenant Relocation Coordinator, and the City. The 'designated tenant' is further responsible for ensuring that all eligible tenants receive the benefits under the policy.
3.6	Ineligible Tenants	An intention of the approved-in-principle policy was to encourage property owners to house displaced tenants who are waiting to move into a replacement unit. However, the policy is not clear on the provision of benefits in cases where a displaced tenant may get displaced again while in interim housing.	Clarify that tenants who have or will be receiving benefits in accordance with the policy will only be eligible for benefits once.

3.7	Units Vacant at Eligibility Date	The approved-in-principle policy includes a provision that former tenants of units that are vacant at the time of Rezoning application may be eligible for benefits if the unit was vacated due to: landlord's use of property, compliance with a government order, tenant buy-out, frustrated tenancy, or to relieve a building manager of their duties. However, this provision was confusing; although the reasons for ending tenancies are permitted under the <i>Residential</i> <i>Tenancy Act</i> , they may have been used deliberately to circumvent the delivery of benefits to displaced tenants.	Remove the specific reasons for which tenancies may be ended, but include language that former tenants of vacant units may still be eligible, if the City determines that the unit was vacated due to reasons inconsistent with the policy intent and overall goals of tenant protection. Also, clarify that this section is not intended to retroactively compensate tenants whose tenancies were ended in good faith. In addition, clarify that this would only apply to the last tenant residing at the unit in the 24 months preceding the submission of an application for rezoning.
4.2.1	Financial Compensation - Calculating Compensation Entitlements	The financial compensation benefits are not clearly explained in terms of what a tenant is responsible for, as opposed to the applicant.	Amend the section to clearly state who is responsible for rent, deposits, and rent increases for both applicant and tenant secured interim housing.
4.2.1	Applicant Secured Interim Housing - Heating Supplement	The approved-in-principle policy does not contemplate other services and facilities that tenants may currently have included in their rents.	Add an additional financial supplement for hot water, if this was previously included in a tenant's rent, in the cases of applicant secured interim housing. The hot water supplement is to be calculated using Fortis BC's Appliance Cost Tool.
4.2.1	Applicant Secured Interim Housing - No Fault Eviction in Interim Housing	The approved-in-principle policy does not elaborate on what happens if a tenant is evicted due to no fault of their own while living in interim housing.	Amend the section to note that if a tenancy in applicant secured interim housing unit ends due to no fault of the tenant, the applicant is required to secure another interim rental unit for that tenant,
4.2.1	Compensation Issuance Dates	The start date as to when a tenant begins receiving benefits under the tenant secured housing option needs to be amended to ensure tenants are not waiting a long time to receive benefits.	Remove the issuance of a demolition permit as a consideration for when tenants who elect to secure their own housing are entitled to start receiving the rent "top- up" and instead change it to the date that all remaining eligible tenants in the Rezoning application site receive a Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of Rental Unit, or when no eligible tenants reside at the Rezoning application site, whichever comes first. This is to ensure that tenants receive benefits in a timely manner, in addition to encouraging applicants to rent out units that may have become vacant subsequent to the submission of the Rezoning application is submitted are not eligible for benefits).

4.2.1	Exception to Rent Top-Up - One-Time Lump Sum Compensation	There is an error in the calculation for the one-time lump sum compensation. Also, there is no indication as to when the compensation is to be provided to qualifying tenants.	Correct the error by adding 'x 36 months' to the first formula for the one-time lump sum compensation, and state that the one-time lump sum compensation will be dispersed to qualifying tenants on the date all remaining eligible tenants in the application site receive a Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of Rental Unit, or when no eligible tenants reside at the application site, whichever comes first. In addition, also clarify that tenants that select lump sum compensation continue to be eligible for a replacement unit, as per the Rental Use Zoning Policy.
4.2.2	Moving Assistance	The approved-in-principle policy requires the applicant to include boxes and/or packing assistance, if requested, which without limits, may be a significant cost to applicants	Clarify the provision for packing assistance is only made available to vulnerable tenants (e.g. tenants with mobility impairments).
4.2.3	Support for Vulnerable Tenants	There is currently no explicit language on supporting vulnerable tenants, who tend to be most impacted by the relocation process.	Add a new section to clearly state the City's expectation that the impacts of the relocation process should be mitigated for vulnerable tenants, with supports including early communication and notifications, provision of transportation to view interim housing options, and packing assistance for those with mobility impairments.
4.3	Replacement Units	Replacement units are required under the City's Rental Use Zoning Policy, and there are currently some inconsistencies between this policy and the approved-in-principle Tenant Assistance Policy, such as the formula for starting rents.	Remove the formula and amend the policy to refer to the Rental Use Zoning Policy for starting rents. This will ensure consistency between the policies, even if the Rental Use Zoning Policy is amended over time. Also, clarify what happens if tenants are displaced multiple times and have the right of first refusal for more than one replacement unit.
5.1	Compensation Selection Timelines	The approved-in-principle policy does not specify timelines for selecting compensation.	Include a new section that clearly lays out the dates by which a tenant must select a compensation option.
5.1	Changing Selected Compensation Option	The approved-in-principle policy does not explain if a tenant can change compensation options and the process to do so.	Add language to explicitly state that a tenant may change their compensation option up to the timelines for selecting a compensation option. In addition, explain that any rent top-ups received by a tenant will be subtracted from the lump sum compensation, if eligible.

5.2	Household Needs Assessment Form	A Household Needs Assessment form is mentioned in the approved-in-principle policy, but is not explained.	Add a new section to explain that the Household Needs Assessment form will be used to document pertinent details of tenants' existing tenancy, information about the household's needs for their replacement unit, and to determine other benefits of this policy, where applicable. The date by which the Household Needs Assessment form needs to be submitted to the Tenant Relocation Coordinator will also be added.
5.3	Return of Additional Deposits Received for Applicant Secured Interim Housing	The approved-in-principle policy states that the applicant is required to pay additional security and pet damage deposits for applicant secured interim housing, but does not note that the applicant is to get this money back once the tenant ends the tenancy.	Add a new section to clarify that tenants are not entitled to keep the additional security and/or pet damage deposits and that these deposits must be returned.
5.4	Bonding	The bonding requirement ensures compensation obligations under the policy is fulfilled. However, the current bonding requirements may have a significant financial burden on applicants.	Remove the 1% Administration Fee and GST to reduce the financial burden on applicants, and amend the policy to allow bonding in any form acceptable to the City, not just certified cheque or irrevocable Letter of Credit.
7.0	Maintenance Requirements at Applicant Site	Concerns were raised that liveability and habitability could be negatively impacted if rezoning sites fall into disrepair.	Add a new section to clarify the City's expectation that applicants must ensure that occupied building(s) and the property(ies) on the application site continue to comply with health, safety, and housing standards required by law and consistent with the age, character and location of the building(s) and property(ies).
8.0	Final Adoption of Rezoning Bylaw	Wording about the Planning and Building Department confirming that the applicant's Tenant Assistance Plan has been implemented in accordance with this policy prior to recommending Final Adoption of the Rezoning Bylaw was omitted in error in the approved-in-principle policy.	Correct the error by including this statement in the policy.

## Appendix C



604-294-7750 or rentersoffice@burnaby.ca City of Burnaby Planning Department | Renters Office

Everyone in Burnaby deserves stable housing. The City of Burnaby's Tenant Assistance Policy is one of the strongest in the country, ensuring residents can stay living in their communities even as the city grows.

building owner/landlord decides to renovate or rebuild in a way that requires approval of a The policy protects tenants in market rental buildings displaced from their homes when a rezoning application.

Tenants will receive:

- Help finding a new place to rent, if requested;
- Rent top-up payments, if needed, to bridge the gap between rent for the new unit and existing rent level;
- » Help with moving expenses; and
- The right to return to the new development at the same rent (plus any Residential Tenancy Act rent increases) in a suite with the same number of bedrooms. \*

## WHO IS PROTECTED?

redevelopment or renovation are protected. It does not apply to community housing that is operated as below market rental by non-profit housing societies, housing co-operatives, or Renters living in a building with five or more units that requires rezoning as a result of government authorities.

Not sure if you're covered?

Contact the City's dedicated Renters Office at 604-294-7750 or rentersoffice@burnaby.ca

## HELP FINDING A NEW PLACE TO RENT

You have flexible options to choose where you live while your building is redeveloped. You can find your own accommodation, or have your landlord provide three suitable accommodation options.



## FINANCIAL SUPPORT WHILE IN INTERIM HOUSING

While you wait for the new building to be completed, you will receive a top-up while you are in interim housing.

Rent top-ups are provided one of two ways. If you choose to live in temporary accommodation provided by your landlord, you will continue to pay the same rent. If you choose to find your own accommodation, the top-up rate (paid by the landlord) is capped at the difference between the tenant's current rent plus 15%, or at 30% above the median rent paid for a similar unit in the same neighbourhood as determined by the federal housing agency, CMHC, whichever is greater.

## CUARANTEED SUPPORT TO HELP YOU MOVE

Moving can be stressful. Landlords will help relieve the burden of moving by providing a moving service, or financial support if you want to arrange the moving yourself.

The landlord will provide:

- An insured moving company, arranged by the landlord; or
- » A cash payout based on the unit (studio/ one bedroom: \$900, two-bedrooms: \$1,200, three or more bedrooms: \$1,400).

# COORDINATORS HERE TO HELP

When a landlord is rezoning their building for a renovation or to build new, they will hire a Tenant Relocation Coordinator to assist tenants and deliver on all the items in the Tenant Assistance Policy.

Tenant Relocation Coordinators are responsive and available to answer questions by phone or email at regular and consistent hours. You will find their contact information posted in your building.

### >>> NEW BUILDING, SAME RENT

A key pillar of support is that you have the right to return to the new development at the same rent (plus any *Residential Tenancy Act* rent increases) to a suite with the same number of bedrooms.

