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**TO:** CITY MANAGER **DATE:** 2020 April 15

**FROM:** DIRECTOR PLANNING AND BUILDING **FILE:** 49500 20  
*Reference:* Rez# 16-13

**SUBJECT:** REZONING REFERENCE #16-13  
4960 BENNETT STREET  
HIGH RISE STRATA AND RENTAL BUILDING  
RESPONSE TO PUBLIC HEARING ISSUES

**PURPOSE:** To respond to issues raised at the Public Hearing for Rezoning Reference #16-13.

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**RECOMMENDATION:**

1. **THAT** a copy of this report be sent to the applicant and those who spoke at, or submitted correspondence to, the Public Hearing for Rezoning Reference #16-13.

**REPORT****1.0 BACKGROUND**

On 2019 November 19, a Public Hearing was held for Rezoning Reference #16-13. The subject rezoning application proposes a high-rise strata apartment building fronting Bennet Street, and a low rise rental apartment podium fronting Lobley Park (see *attached* Sketches #1 and #2). The proposed 42 unit rental podium replaces the existing 42 unit low-rise rental building currently occupying the site.

At the Public Hearing, 13 written and 26 verbal submissions were received in opposition from area residents and community advocates, concerning: the adoption of a new Tenant Assistance Policy prior to advancing development; the affordability of rents for displaced tenants, and concerns related to the number of replacement units required through redevelopment. At the Public Hearing, Council requested that a staff report be submitted to provide further information on the issues raised. The following report addresses Council's request.

**2.0 ISSUES RAISED***Issue #1 – Tenant Assistance Policy*

Questions were raised regarding the requirement for an updated Tenant Assistance Policy prior to advancing development.

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*Response:*

At the time the subject rezoning application was advanced to Public Hearing the updated Tenant Assistance Policy was in its final review, based on the guidelines established by the Mayor’s Task Force’s Final Report. One of the conditions to the subject rezoning application was the adherence to an updated Tenant Assistance Policy, which would be advanced for Council’s consideration at a future date. Notwithstanding, as a result of questions raised at the Public Hearing for the subject rezoning application, and similar rezoning applications that were heard on 2019 November 19, the subject rezoning bylaw amendment was held until the final updated Tenant Assistance Policy was adopted by Council.

It is noted that the Draft Tenant Assistance Policy was advanced for Council’s consideration on 2019 December 02, and the Finalized Tenant Assistance Policy was approved by Council on 2020 March 09. The finalized policy has been *attached* to this report, and will be provided to all those who spoke at or submitted correspondence to the Public Hearing. The Finalized Tenant Assistance Policy aims to ensure tenants affected by redevelopment are suitably housed, while replacement units are under construction. To assist tenants in finding interim housing and assist with moving requirements, a tenant assistance coordinator is required to be retained by the applicant. For specific information related to the policy’s applicability and information on required relocation assistance, it is encouraged that affected parties review the policy in detail, and contact the City’s Housing Office if further questions arise.

*Issue #2 – Affordability of rents for displaced tenants*

Concerns have been raised related to the cost of rental units in Metrotown and for tenants displaced as a result of rezoning.

Current rental rates for purpose built rental units are determined by many market factors including, but not limited to, age of construction, building condition, location, and demand. Given convenient access to transit and services in Metrotown, housing demand is high, and vacancy rates are quite low, resulting in increasing rents. Arising from such concerns, Council adopted the Rental Use Zoning Policy (*attached*) which requires units lost to redevelopment to be replaced at a 1:1 ratio, and that affected tenants get the right of first refusal to occupy a unit within the replacement building at or near the pre-development rent levels. The Rental Use Zoning Policy also requires that all new rezonings for multiple family developments in community plan areas provide the equivalent of 20% of the proposed market units as non-market rental. Furthermore the policy permits the development of additional voluntary market rental units on multiple-family residential and mixed-use sites. The goal of these policy streams is to increase the supply of market and non-market housing to assist with rental housing availability and affordability.

*Issue #3 – Replacement units required on the subject site*

Concerns have been raised regarding the number of replacement units proposed in the subject rezoning.

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The current rental building on the subject site accommodates 42 existing rental units. Under the adopted Rental Use Zoning Policy, the applicant is required to provide the greater of 1:1 replacement of the existing rental units (42), or the equivalent of 20% of the proposed strata units excluding units achieved using density offset (40). In this regard, the applicant is required to provide 42 rental units, which is equivalent to the number of existing rental units on site. The applicant has not elected to provide additional rental units on site beyond the required 42 replacement units.

### 3.0 CONCLUSION

The proposal for the subject rezoning application (Rezoning Reference #16-13) is for the development of a high-rise strata apartment building fronting Bennet Street, and a low rise replacement rental apartment podium fronting Lobley Park (see *attached* Sketches #1 and #2).

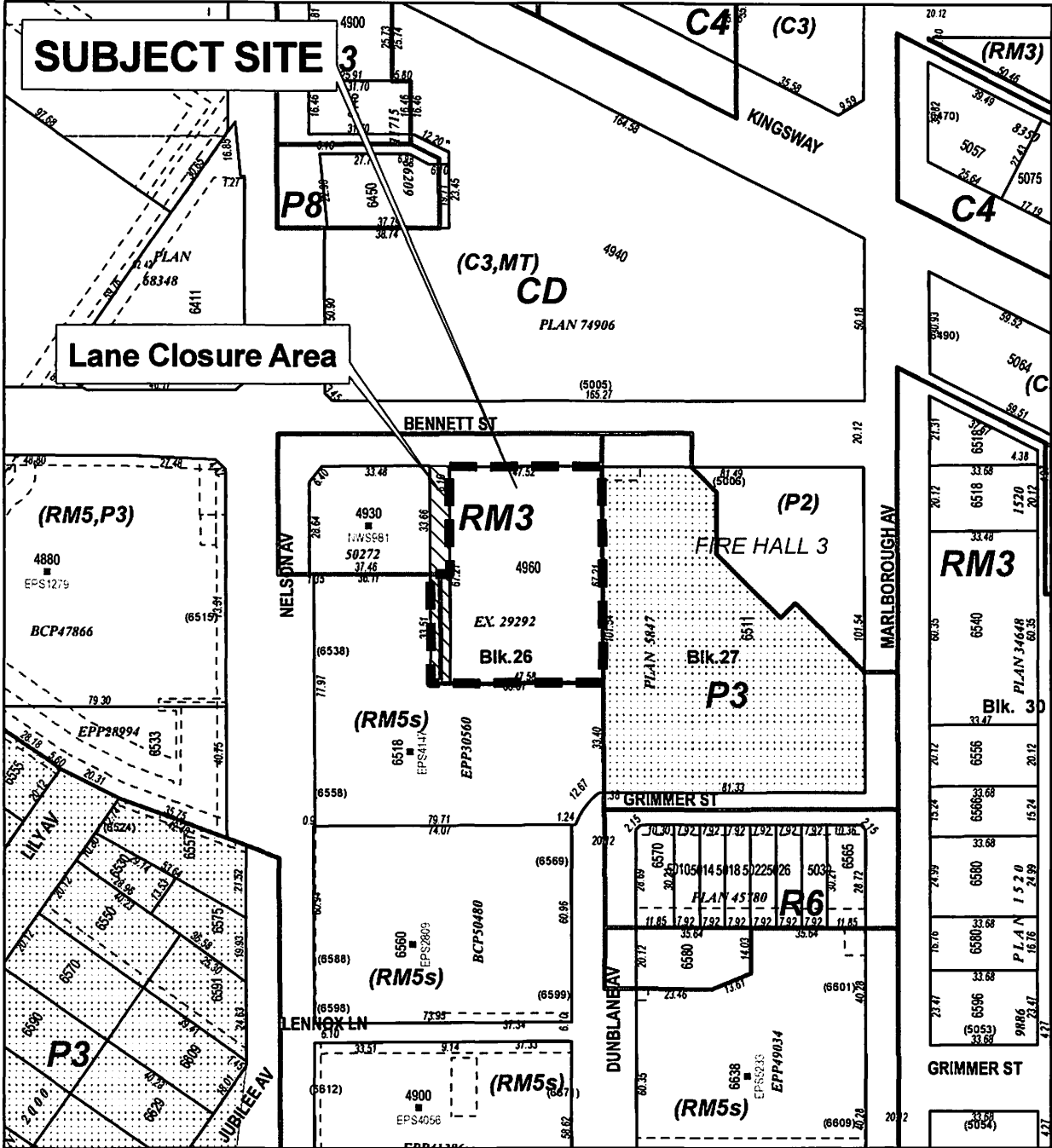
This report provides information responding to questions raised at the Public Hearing, including those related the adoption of a new Tenant Assistance Policy prior to advancing development; the affordability of rents for displaced tenants, and concerns related to the number of replacement units required through redevelopment. As a condition of Third Reading and Final Adoption of the rezoning, the applicant will be required to reconfirm that the application fully conforms to the Council Adopted Tenant Assistance Policy, and Rental Use Zoning Policy. Further as a condition of Final Adoption, a Housing Agreement and Section 219 Covenant will be executed to secure approved rent levels, and to ensure that the rental component is not stratified. Finally financial security will be required to ensure that the conditions of the adopted Tenant Assistance Policy and its related relocation assistance for tenants is provided. In view of the above, the proposed multiple family strata and rental development remains supported by staff.

It is recommended that a copy of this report be sent to the applicant and those who spoke at, or submitted correspondence to the Public Hearing for Rezoning Reference #16-13.

  
E.W. Kozak, Director  
PLANNING AND BUILDING

JBS:tn  
*Attachments*

cc: Director Corporate Services  
Chief Building Inspector  
City Clerk



PLANNING & BUILDING DEPARTMENT



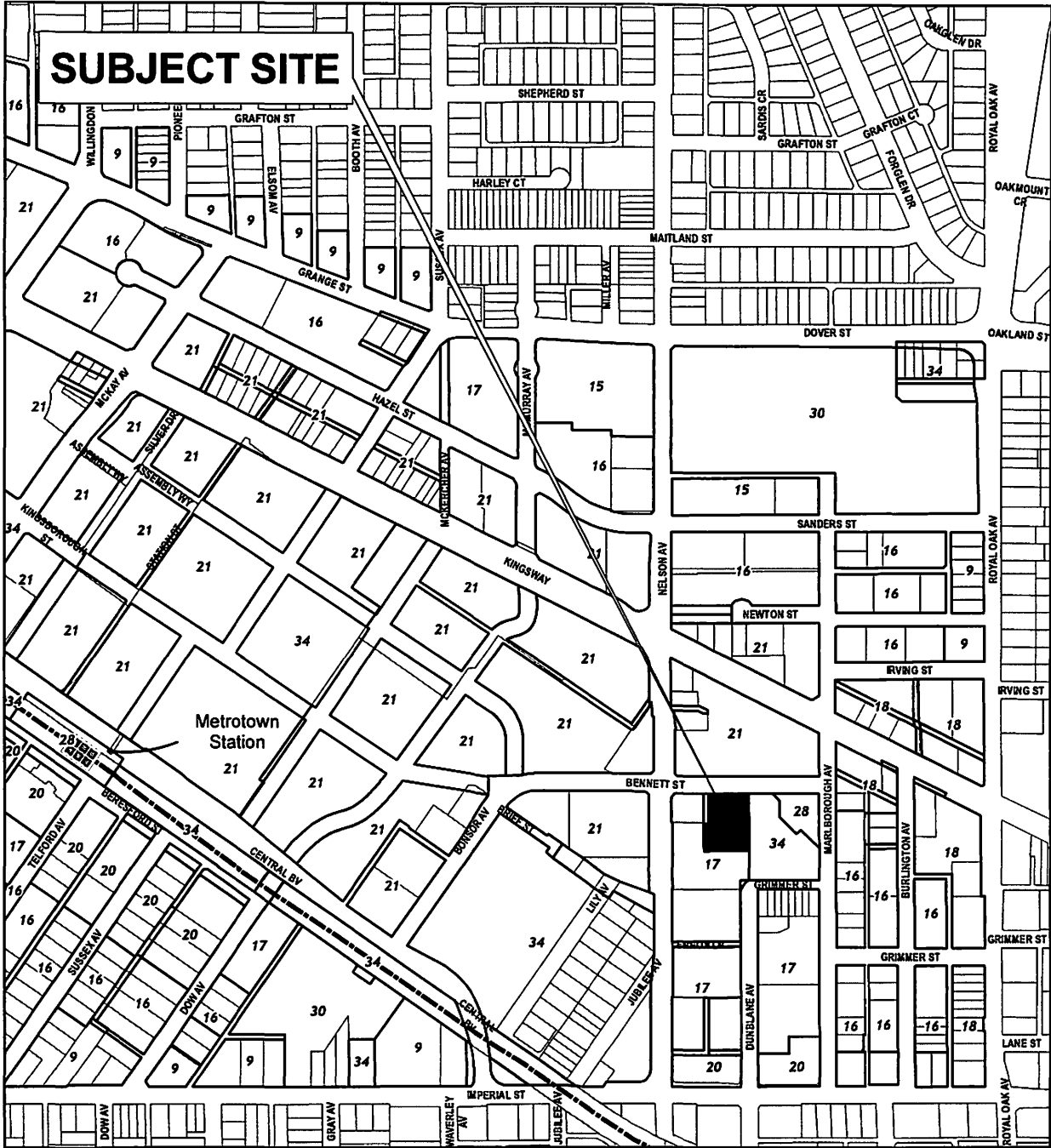
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REZONING REFERENCE #16-13  
4960 BENNETT STREET

 Subject Site

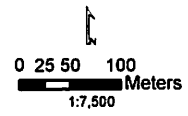


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| <b>9</b> Medium Density Residential (RM3s) | <b>20</b> High Density Mixed Use (RM5s/C2) |
| <b>15</b> High Density Residential (RM5)   | <b>21</b> High Density Mixed Use (RM5s/C3) |
| <b>16</b> High Density Residential (RM4s)  | <b>28</b> Institutional                    |
| <b>17</b> High Density Residential (RM5s)  | <b>30</b> Public School (P3)               |
| <b>18</b> High Density Mixed Use (RM4s/C2) | <b>34</b> Park and Public Use (P3)         |
| <b>19</b> High Density Mixed Use (RM4s/C3) |  |



City of Burnaby  
Planning and Building Dept

## Metrotown Plan





# 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 [Residential Tenancy Branch's website](#).

## **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 non-profit 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 "top-up" 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:

<i>Financial Compensation Options</i>	
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

<i>Moving Assistance Options</i>	
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 top-up 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 \_\_\_\_\_

## SUPPORTING BURNABY TENANTS

### » STILL UNSURE AND WANT TO LEARN MORE?

Burnaby's Tenant Assistance Policy builds on the rights of landlords and tenants established by the provincial *Residential Tenancy Act*.

To learn more about the Tenant Assistance Policy, please visit our website at [burnaby.ca](http://burnaby.ca) or contact our Renters Office at **604-294-7750** or [rentersoffice@burnaby.ca](mailto:rentersoffice@burnaby.ca)



### » ADDITIONAL RESOURCES AVAILABLE TO YOU

BC Residential Tenancy Branch  
**604-660-1020** | [hsrto@gov.bc.ca](mailto:hsrto@gov.bc.ca)

TRAC Tenant Resource & Advisory Centre  
**604-255-0546** | [tenants.bc.ca](http://tenants.bc.ca)

Advocacy: [povnet.org/find-an-advocate/bc](http://povnet.org/find-an-advocate/bc)

## TENANT ASSISTANCE POLICY

For more information, please contact us:  
City of Burnaby  
Planning Department | Renters Office  
**604-294-7750** or [rentersoffice@burnaby.ca](mailto:rentersoffice@burnaby.ca)





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.

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

Renters living in a building with five or more units that requires rezoning as a result of 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 government authorities.

**Not sure if you're covered?**

Contact the City's dedicated Renters Office at **604-294-7750** or [rentersoffice@burnaby.ca](mailto: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.

The landlord will make every effort to find a location within the same area of Burnaby. Landlords will also help seniors, persons with disabilities or those experiencing health issues by providing transportation assistance to view the 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.

## » GUARANTEED 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).

## » TENANT RELOCATION 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.





# Rental Use Zoning Policy

Adopted on 2019 May 27

## Overall Goal

To increase the provision of market and below-market rental housing in Burnaby and provide a balanced approach for the implementation of rental use zoning.

## Policy Streams

1. Rental Replacement
2. Inclusionary Rental
3. Voluntary Rental Housing in Commercial Districts
4. Protection of Existing Rental Sites

## Stream 1 - Rental Replacement

### What is it?

A policy requiring the 1:1 replacement of rental units lost to redevelopment within the City's Community Plan areas, at the same rent levels, adjusted for permitted *Residential Tenancy Act* rent increases

### What does it do?

- Renews the City's stock of rental housing
- Provides opportunities to achieve affordability where it is needed most
- Gives affected residents the opportunity to move back into the new development

### What will it achieve?

- Secured rental housing over the long term
- Greater housing affordability and community inclusion

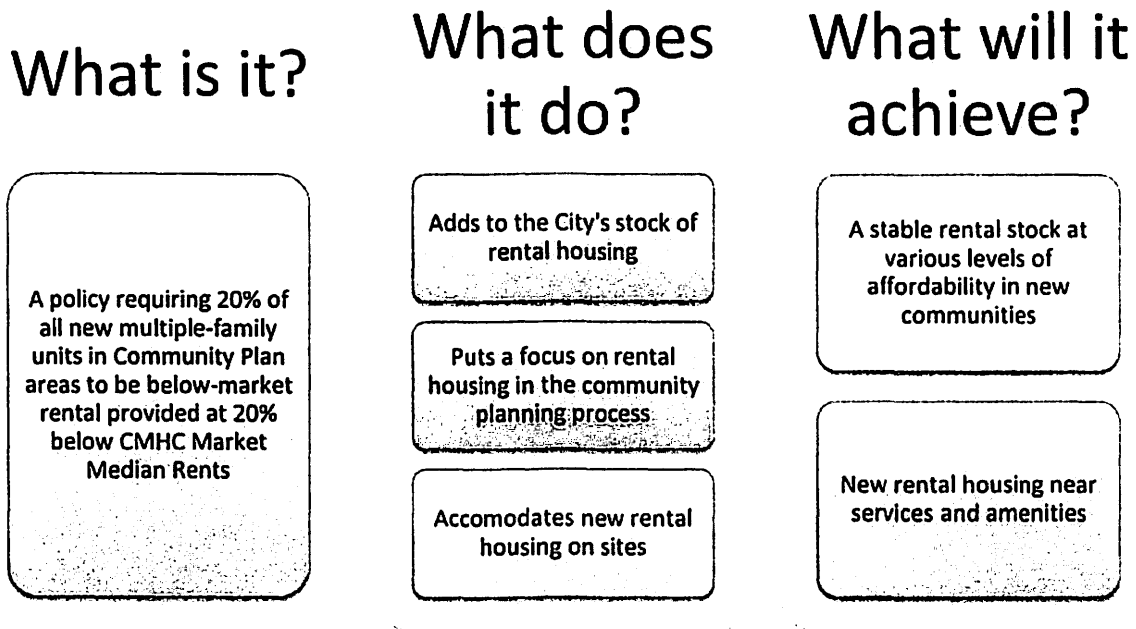
## CONDITIONS

- a) **Provision** – Each site experiencing redevelopment involving the loss of purpose-built (non-stratified) multiple-family residential rental units must replace those units at a ratio of one new rental unit for every existing rental unit lost to redevelopment.
- b) **Applicability** – This policy applies to all sites experiencing redevelopment of purpose-built (non-stratified) multiple-family rental buildings of five or more units within a Community Plan area in the Official Community Plan.
- c) **Number** – The obligation to replace rental units is based on the number of units shown on the most recently issued business license for the subject property, or 20% of the total number of market (strata and rental) units derived from RM and RMs densities, whichever is greater.
- d) **Form** – The replacement units must be of the same type (number of bedrooms), and meet the minimum unit size for that type under the RMr zoning district.
- e) **Unit Mix** – The unit mix of the replacement units should generally reflect those lost to redevelopment (e.g., one, two, and three or larger bedroom units), except where a not-for-profit operator and/or government partners have particular unit mix needs that target specific user groups.
- f) **Tenants’ Right of First Refusal** – Rezoning applicants are required to provide all existing tenants the opportunity to move into the new replacement units upon completion, by way of a tenant’s right of first refusal. The applicant is required to provide notification six months and three months prior to the expected occupancy of the new replacement units. First right of refusal is contingent on the tenant remaining in good standing as per the *RTA*. Should a tenant be evicted for cause during the interim period between move out and occupancy of the replacement unit, the applicant is not required to offer a replacement unit to this tenant.
- g) **Established Rents** – The replacement units must be offered at the tenant's rent at the time of move out, plus any annual rent increases permitted under the *Residential Tenancy Act (RTA)* for the duration of time between move out at the application site and occupancy of the replacement unit.
- h) **Affordability** – If a tenant chooses not to exercise their right of first refusal, or moves out subsequent to occupying a replacement unit, the replacement unit must be rented at 20% below Canada Mortgage and Housing Corporation (CMHC) Market Median Rents for the applicable CMHC Market Rental Survey Zone. Affordability measures are to be protected and regulated by a Council-approved Housing Agreement and/or Section 219 Covenant, or ground lease, in the case of City ownership.
- i) **Funding** – In order to achieve greater affordability for tenants, pursuit of funding under BC Housing and CMHC housing programs is required.

If the rezoning applicant is successful in their application for senior government funding and income testing of tenants is required under funding and eligibility criteria, a non-profit housing operator must first prioritize returning tenants for these units, provided they meet funding and eligibility criteria. Should any returning tenants not qualify for a senior government funded unit, the applicant is responsible for accommodating returning tenants in other units in the development at the rent established at move-out (plus RTA increases). Units may include inclusionary units, if available, or any below-market or market rental or strata units in the development, with the units reverting back to its original tenure and affordability requirement, if any, once the returning tenant vacates the unit.

- j) **Zoning** – The zoning applied to the replacement units shall be derived from the applicable corresponding Multiple-Family Rental (RMr) zoning district.
- k) **Development Density** – The Gross Floor Area (GFA) for the replacement units will be derived from GFA associated with the RMr zoning district, which is additional and may be used in combination with density provisions in the applicable Community Plan.
- l) **Ownership** – Replacement rental units cannot be stratified and/or individually owned, but can be owned by a private entity with appropriate legal instruments in place that protect public investment and rents (such as Covenants and Housing Agreements).
- m) **Role of Non-Profit Organizations** – Non-profit organizations may partner with developers and government (Federal/Provincial/Indigenous/Regional/City) to own and/or maintain replacement rental units. While the involvement of non-profit organizations is preferable, it is not required. However, where a non-profit is not involved in the management of replacement rental units, the owner of the units will be responsible for:
  - i) having an independent third party manage tenancies in accordance with an adopted Housing Agreement or ground lease agreement;
  - ii) having an independent third party provide maintenance services for the units/building in accordance with an approved maintenance schedule; and,
  - iii) submitting for audit, statutory declarations and supporting documentation relating to conditions of this policy, when requested by the City.

## Stream 2 – Inclusionary Rental

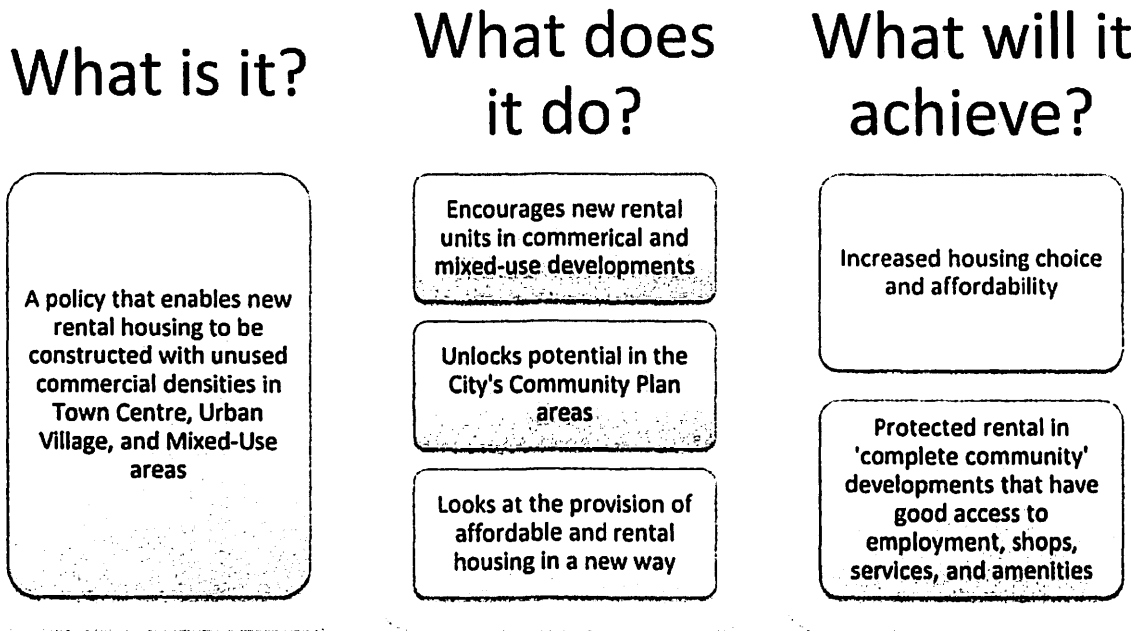


### CONDITIONS

- a) **Provision** – Each site in a Community Plan area is required to provide 20% of the total number of market (strata and rental) units derived from RM or RMs densities as below-market rental housing, rented at 20% below CMHC Market Median Rents for the applicable CMHC Market Rental Survey Zone.
- b) **Applicability** – This policy applies to all residential or commercial sites in Community Plan areas, except for sites zoned RM1, RM2, and RM6.
- c) **Form** – Inclusionary units can be located within a mixed tenure building (airspace parcel), a podium (airspace parcel), or a stand-alone building (fee simple or airspace parcel). For stand-alone structures, wood frame structures may be considered insofar that they meet Community Plan objectives, Zoning Bylaw requirements, and BC Building Code conditions.
- d) **Unit Mix** – The unit mix of the inclusionary units should generally reflect that of the balance of the proposed development (e.g., one, two, and three or larger bedroom units), except where a not-for-profit operator and/or government partners have particular unit mix needs that target specific user groups.
- e) **Zoning** – The zoning applied to the inclusionary units shall be the relevant RMr zoning district.

- f) **Development Density** – The Gross Floor Area (GFA) for the inclusionary units will be derived from GFA associated with the RMr zoning district, which is additional and may be used in combination with density provisions in the applicable Community Plan.
- g) **Ownership** – Inclusionary rental units cannot be stratified and/or individually owned, but can be owned either publicly or privately.
- h) **Affordability** – Rents of inclusionary units must be rented at 20% below CMHC Market Median Rents for the applicable CMHC Market Rental Survey Zone, with annual increases not to exceed that allowable under the RTA. A density offset is available to help deliver upon this required affordability level. In addition, any use of RMr density above the required inclusionary requirement is to be set at a 1:1 ratio of market and CMHC Market Median Rents (e.g. for every one market rental unit proposed, an equivalent one unit at CMHC market median rents is required). The provision of this 1:1 ratio of market and CMHC Market Median Rents may not seek a density offset. Affordability measures are to be protected and regulated by a Council-approved Housing Agreement and/or Section 219 Covenant, or ground lease, in the case of City ownership.
- i) **Funding** – In order to achieve greater affordability, pursuit of funding under BC Housing and CMHC housing programs is required. In addition, a density offset is available for the required below-market inclusionary unit.
- j) **Role of Non-Profit Organizations** – Non-profit organizations may partner with developers and government (Federal/Provincial/City) to own and/or maintain inclusionary rental units. While the involvement of non-profit organizations is preferable, it is not necessary. However, where a non-profit is not involved in the management of inclusionary rental units, the owner of the units will be responsible for:
  - i) having an independent third party manage tenancies in accordance with an adopted Housing Agreement or ground lease agreement;
  - ii) having an independent third party provide maintenance services for the units/building in accordance with an approved maintenance schedule; and,
  - iii) submitting for audit, statutory declarations and supporting documentation relating to conditions of this policy, when requested by the City.

## Stream 3 – Rental Housing in Commercial Districts



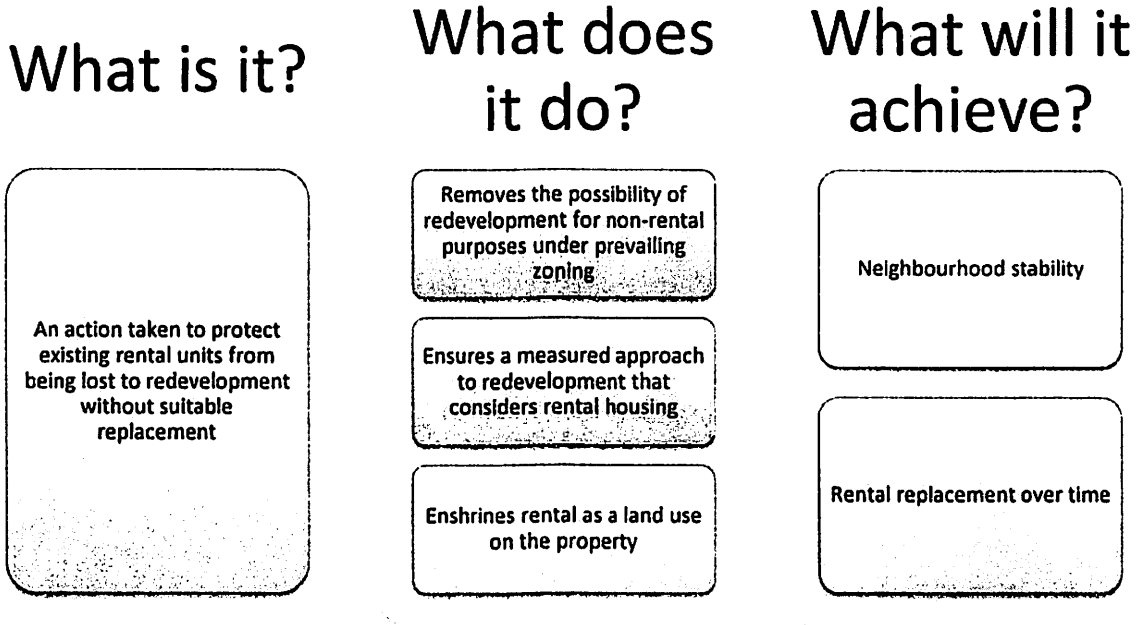
### DETAILS

- a) **Provision** – Rental dwelling units are permitted in the C1, C2, C3, C8 and C9 Commercial Districts and the P11e District, and may be voluntarily provided, subject to the following:
- i) that the use is included as part of a Comprehensive Development (CD) plan subject to the CD District;
  - ii) that all rental dwelling units are located above the first storey;
  - iii) that a completely separate public entrance to the residential accommodation be provided from the first storey front elevation, except:
    - on a corner lot, access may be from the first storey side street elevation; or,
    - where a public pedestrian walkway exists, access may be from the first storey walkway's elevation; and,
  - iv) that the gross floor area (GFA) attributable to the rental dwelling units, including access, is less than the GFA attributable to all other permitted commercial uses.
- b) **Applicability** – This policy applies to all sites with either commercial or mixed-use designations in Community Plans, and which have either Town Centre, Urban Village or Mixed-Use designations in the Official Community Plan.

- c) **Zoning** – The zoning applied to the rental units shall be C1, C2, C3, C8, C9, P11e, or the respective use of RMr Districts for sites developing under multiple-family zoning designations.
- d) **Development Density** – The GFA for the rental units is derived from the underlying commercial district. The residential rental floor area must not exceed the provided commercial floor area (i.e. the maximum permitted residential floor area is 49%, with the remaining 51% to be commercial floor area). On sites with commercial designations where residential rental uses are proposed, access to such density can only occur if the inclusionary requirement and all multiple family residential densities, including density bonus, are first fully utilized.
- e) **Ownership** – Rental units cannot be stratified and individually owned, but can be owned privately.
- f) **Affordability** – As a voluntary provision, established rental rates are not required. In order to achieve greater affordability, pursuit of funding under BC Housing and CMHC housing programs is encouraged.
- g) **Form** – Building forms and limitations thereto (siting and height) indicated in Community Plans must be adhered to, in consideration of CD plan proposals involving rental use zoning in commercial and mixed-use developments.



## Stream 4 – Protection of Existing Rental Sites



### CONDITIONS

- a) **Applicability** – All properties currently zoned with an RM, C, or P District that accommodate multiple-family residential, commercial, or mixed-use buildings containing five or more purpose-built rental units are to be rezoned to the corresponding RMr District by the City.
- b) **Scope** – All properties that currently have purpose-built multiple-family residential units throughout the City.
- c) **Exceptions** – All single and two-family properties with secondary suites; all secondary multiple-family strata rental; all institutional seniors, group home, and supportive/assisted living rental; and all current Comprehensive Development (CD) zoned purpose-built rental buildings.
- d) **Varying Conditions** – Council, at its discretion, may permit the redevelopment of purpose-built rental sites with new strata or mixed-tenure (strata and rental) developments on a site by site basis under CD rezoning. Sites undergoing CD rezoning will be subject to rental replacement provisions outlined in Stream 1.