

ITEM	9
MANAGER'S REPORT NO.	38
COUNCIL MEETING	1980 05 20

RE: UBCM RESOLUTIONS - THE INCLUDING OF THE COST OF PARKING
FOR APARTMENT BUILDINGS IN THE RENT
(ITEM 8, REPORT NO. 34, 1980 MAY 05)
(ITEM 2, REPORT NO. 36, 1980 MAY 12)

The following report from the Director of Planning contains additional information on a resolution which Council previously considered on 1980 May 12.

RECOMMENDATION:

1. THAT the recommendations of the Director of Planning be adopted.

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1980 May 15

TO: MUNICIPAL MANAGER
FROM: DIRECTOR OF PLANNING
RE: U.B.C.M. RESOLUTIONS - THE INCLUDING OF THE COST OF
PARKING FOR APARTMENT BUILDINGS IN THE RENT

RECOMMENDATIONS

1. THAT the Council approve the revised resolution concerning the including of the cost of parking for apartment buildings in the rent as set forth in Section "D" of this report.
2. THAT this revised resolution be referred to the Executive of the Lower Mainland Municipal Association for endorsement and submitted to the U.B.C.M.

REPORT

A. SUMMARY OF PAST ACTIONS

As mentioned in the U.B.C.M. Resolutions report of 1980 May 05, the subject resolution was submitted to and approved by the Council on an annual basis from 1972 to 1979. It is also noted that the Council, on 1980 March 31, requested the preparation of a resolution on this subject for submission to the 1980 convention of the U.B.C.M.

In discussing this resolution on 1980 May 05, the Council raised the question as to the suitability of the Municipal Act as the vehicle for achieving this amendment objective and mention was made of the Residential Tenancy Act. This was then checked with the Municipal Solicitor who agreed that this statute was more appropriate for such an amending resolution.

At the Council meeting on 1980 May 12, a number of questions were raised as to the municipality's involvement, possible enforcement problems, and whether both existing and future rental apartments should be included. It was concluded that the resolution be referred back to staff for clarification of wording and intent.

B. BACKGROUND TO RESOLUTION

As outlined in the report of 1980 April 24, a comprehensive survey of parking in apartment areas was undertaken by the Planning Department in late 1970 and early 1971. The resulting information was included in the report, "Apartment Parking Study - 1971". One of the findings of this study was that "on-site parking spaces are not being fully used as some tenants prefer to park on the street rather than pay a separate fee for parking which is not included in the rent. Some means must be found whereby the tenants are required to use the space which has been provided on the site for them".

While the Council did not approve of the recommendations in this report for increasing the existing Zoning By-law parking requirements for apartments, the concern expressed at the problems created by on-street parking in apartment areas gave rise to the submission of a resolution on the matter to the U.B.C.M. in 1972. It is considered that this continues to be a problem at the present time and should therefore be pursued.

C. PROPOSED APPROACH

It is agreed that if possible the municipality should not become directly involved in this matter, except to initiate the proposed amendment to the Residential Tenancy Act. This would then become the responsibility of the landlord and/or owner of a rental apartment building to meet the requirements of the Act. Thus, the reference to the municipality should be deleted from the resolution (i.e. ... "to provide the necessary authority for any municipality which wishes to do so to require that apartment owners....").

It is considered desirable that the proposed amendment should apply equally to both existing and future apartment rental units. Otherwise, such a change would have little impact since the problem is already with us in that it involves existing apartment buildings.

The inclusion of a parking fee with the rent, rather than making a separate payment, should not result in an overall increase in the amount paid by a tenant. Under the Residential Tenancy Act, the term "rent" is defined as follows:

"Rent includes consideration, whether in money, services or goods, paid or given or agreed to be paid or given by a tenant to a landlord in respect of residential premises, including consideration for a privilege, benefit, service or facility or other thing provided directly or indirectly by a landlord to a tenant that relates to the use, occupation or enjoyment of residential premises but does not include a security deposit or a utility charge paid directly by a tenant."

It should be noted that among the items included under the term "service or facility" is parking and related facilities.

In actual practice, some rental apartments do include the cost of parking in the rent, while many charge for this service separately. The intent of the proposed amendment would be to make the cost of parking an integral part of the rent in all cases and thus encourage the greater usage of the

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facilities provided. This, in turn, should reduce the number of vacant spaces and the resulting problems created by excessive on-street parking and traffic congestion in apartment areas.

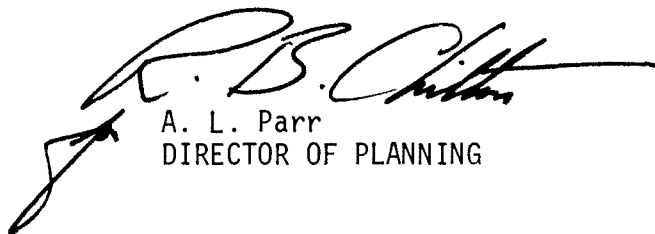
D. RECOMMENDED RESOLUTION

The Including of the Cost of Parking for Apartment Buildings in the Rent

WHEREAS many municipalities are experiencing excessive on-street parking in areas of apartment development, a situation which gives rise to problems of traffic congestion and increasing hazards to pedestrians;

AND WHEREAS the incentives to use the parking facilities provided by an apartment development are generally lacking due to the prevalent policy of requiring an additional fee, over and above the normal rental, for a parking space, a condition which leaves many parking spaces vacant;

THEREFORE BE IT RESOLVED that the Provincial Government be requested to amend the Residential Tenancy Act to require that apartment landlords of both existing and future rental apartment buildings include the cost of off-street parking in the rent in order to encourage the use of these facilities by the apartment tenants.


A. L. Parr
DIRECTOR OF PLANNING

RBC/hf

- c.c. - Chief Building Inspector
Municipal Clerk
Municipal Engineer
Municipal Solicitor
Assistant Director - Long Range
Planning and Research

