

REPORT

Climate Action, Planning and Development

To: Mayor Cote and Members of Council **Date:** November 1, 2021

From: Emilie K. Adin, MCIP **File:** 05.1020.20
Director, Climate Action, Planning and
Development

Item #: [Report Number]

Subject: Business Regulations and Licensing (Rental Unit) Bylaw: Next Steps

RECOMMENDATION

THAT Council give three readings to:

- Business Regulations and Licensing (Rental Units) Amendment Bylaw No. 8302, 2021 to repeal Part 6 of Business Regulations and Licensing (Rental Units) Bylaw No. 6926, 2004;
- Bylaw Notice Enforcement Amendment Bylaw No. 8298, 2021 to amend Bylaw Notice Enforcement Bylaw No. 7318, 2009; and
- Municipal Ticket Information Amendment Bylaw No. 8299, 2021 to amend Municipal Ticket Information Bylaw No. 8077, 2019.

THAT Council direct staff to give notice regarding an Opportunity to Be Heard on November 15, 2021 to enable interested parties to provide comment on the amendment to Business Regulations and Licensing (Rental Units) Bylaw No. 6926, 2004 that results in the repeal of Part 6.

THAT Council direct staff to proceed with the proposed communications strategy.

PURPOSE

To update Council regarding the implications of recent changes to the Residential Tenancy Act (RTA) that correlate to Part 6 of Business Regulations and Licensing (Rental Units) Bylaw No. 6926, 2004 and provide options for consideration.

BACKGROUND

On May 27, 2019, in response to numerous complaints regarding renovictions, City Council amended the *Business Regulations and Licensing (Rental Units) Bylaw* to include Part 6, a section that specifically aimed to deter renovictions and to provide protection to those tenants who may be displaced by large scale renovation work. The amendment was successful and resulted in a significant decrease in the number of reported renovictions and inquiries of concern. The City is considered a leader among municipalities across the nation for this work.

On July 1, 2021 the Province introduced new legislation that amended the Residential Tenancy Act (RTA) for the purpose of addressing renovictions. The new legislation requires landlords to apply for dispute resolution to obtain an Order to End Tenancy and an Order of Possession of the units. This process does *not* require a Notice to End Tenancy and, since the trigger in the City's Part 6 provisions is the issuance of the Notice to End Tenancy, renders the current Part 6 amendments inoperative.

DISCUSSION

The City's goal was to address renovictions and protect tenants from unscrupulous landlords. Part 6 of the City's bylaw achieved that goal. The Province has since stepped in to address the issue with legislation that protects tenants with a new, stronger process landlords must follow before doing any type of renovation. The new process requires application to the Residential Tenancy Branch for an Order to End Tenancy and an Order of Possession of the units. As Part 6 of the City's bylaw relied upon the old process which required a Notice to End Tenancy, this change to the RTA makes Part 6 inoperative.

There are two options for next steps for Council's consideration.

Option 1 – Repeal Part 6 of the bylaw and delete the corresponding sections from the municipal ticketing bylaws.

Good public administration means repealing bylaws that are inoperative and do not serve a purpose. Following the repeal of Part 6 Council can take time to observe the application of the new RTA provisions to confirm the need for, and inform their future consideration of new City regulations. While the amendments to the RTA are welcome, they may not go far enough to protect tenants and the City may need to re-enter this regulatory area should further problems be identified.

If Council chooses this option, staff recommend repealing the relevant sections of both municipal ticketing bylaws at the same time, as they are also inoperative.

Amending bylaws for consideration are in the Attachments of this report.

Option 2 – Do not repeal Part 6 of the bylaw and do not repeal the corresponding sections in the municipal ticketing bylaws.

Council is not required to repeal the bylaw, despite the fact that it is inoperative as currently drafted. However, it is not good public administration to have bylaws that are obsolete and do not serve a purpose. If, after observing the new RTA provisions, Council determines additional protections are required at the municipal level, repealing Part 6 and amending the municipal ticketing bylaws would be required prior to enacting new regulations.

NEXT STEPS

If Council endorses the staff recommendation, notice will be given to the community regarding an Opportunity to be Heard to be held on November 15, 2021 for interested parties to provide written representation for Council consideration.

Once staff has received Council's direction, staff will communicate with the community and relevant stakeholders regarding the status of the bylaw and the implications of changes to the RTA including but not limited to: a press release, FAQs, updates to City webpage, and a notice in Citypage.

INTERDEPARTMENTAL LIAISON

Planning, Communications and Economic Development staff provided input to this report.

OPTIONS

The following options are available for Council's consideration:

1. That Council give three readings to:
 - Business Regulations and Licensing (Rental Units) Amendment Bylaw No. 8302, 2021 to repeal Part 6 of Business Regulations and Licensing (Rental Units) Bylaw No. 6926, 2004;
 - Bylaw Notice Enforcement Amendment Bylaw No. 8298, 2021 to amend Bylaw Notice Enforcement Bylaw No. 7318, 2009; and
 - Municipal Ticket Information Amendment Bylaw No. 8299, 2021 to amend Municipal Ticket Information Bylaw No. 8077, 2019.
2. That Council direct staff to give notice regarding an Opportunity to Be Heard on November 15, 2021 to enable interested parties to provide comment on the amendment to *Business Regulations and Licensing (Rental Units) Bylaw No. 6926, 2004* that results in the repeal of Part 6.
3. That Council direct staff to proceed with the proposed communications strategy.

4. That Council does not repeal Part 6 of Business Regulations and Licensing (Rental Units) Bylaw No. 6926, 2004 nor the corresponding sections in the municipal ticketing bylaws, and proceeds with proposed communication strategy.
5. That Council provide staff with alternative direction.

Staff recommend option 1, 2, and 3.

ATTACHMENTS

Attachment 1 – Business Regulations and Licensing (Rental Units) Amendment Bylaw No. 8302, 2021

Attachment 2 – Bylaw Notice Enforcement Amendment Bylaw No. 8298, 2021

Attachment 3 – Municipal Ticket Information Amendment Bylaw No. 8299, 2021

APPROVALS

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