

# REPORT

## *Planning and Development*

**To:** Mayor Johnstone and Members of Council  
**Date:** September 9, 2024

**From:** Jackie Teed, Director,  
Planning and Development  
**File:** #2531234

**Item #:** 2024-499

**Subject: Response to Council Motion Regarding “Tenant Protections”**

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### **RECOMMENDATIONS**

1. **THAT** Council direct staff to update the City’s Tenant Relocation Policy using Burnaby’s Tenant Assistance Policy as a model to provide greater support for tenants who may be displaced from their homes, including through redevelopment.
  2. **THAT** Council direct staff to pause work related to the Homelessness Needs Assessment in order to prioritize work on updating the City’s Tenant Relocation Policy.
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### **PURPOSE**

The purpose of this report is threefold: (1) to provide an update on the Council motion regarding “Tenant Protections,” which calls for an update to the City’s Tenant Relocation Policy using Burnaby’s Tenant Assistance Policy as a model; (2) to propose next steps for undertaking the work in question and to detail related work program implications; and (3) to outline possible financial implications.

### **EXECUTIVE SUMMARY**

On June 10, 2024, Council directed staff to update the City’s Tenant Relocation Policy using Burnaby’s Tenant Assistance Policy as a model. This motion was in response to new Provincial housing legislation which increased allowable densities around transit stations. This legislation, under favourable economic conditions, could make some sites, including those accommodating older and more affordable rental housing units, more attractive for redevelopment.

As directed by Council, staff will engage Burnaby staff to better understand their policy, including what is and is not working well; potential unintended consequences; lessons learned; and financial and staffing implications; among other considerations. Staff will prepare an analysis based on this engagement and present back to Council for consideration and direction. Based on any direction received, staff will update the policy and prepare a bylaw for Council’s consideration and possible endorsement.

To prioritize this work, staff is recommending that work on the Homelessness Needs Assessment, which was scheduled to commence during the third and fourth quarters of 2024 be rescheduled to commence during the second or third quarter of 2025.

**BACKGROUND**

***Council Motion***

At the June 10, 2024 Regular Meeting, Council endorsed the following motion related to tenant protections:

*WHEREAS new Provincial legislation is creating a path for increased development density around transit areas which will impact many more affordable New Westminster neighbourhoods due to our abundant transit services; and*

*WHEREAS Bill 16 (Housing Statutes Amendment Act) allows municipalities to enact tenant protection bylaws related to redevelopment, including within transit-oriented areas; and*

*WHEREAS tenants—especially those in older and more affordable rental housing—may be disproportionately impacted due to this new development; and*

*WHEREAS New Westminster has previously shown leadership in protecting vulnerable renters with strong actions to curtail demoviction and renoviction; and*

*WHEREAS the regional housing market is reaching new levels of crisis, increasing the risk that existing tenants will lose access to adequate housing through displacement related to redevelopment;*

*THEREFORE BE IT RESOLVED THAT the City of New Westminster update our tenant protection and relocation policies, using Burnaby’s as a model to provide support for tenants who may be displaced from their homes, including by redevelopment.*

**ANALYSIS**

***The Current Situation***

New Westminster has the third largest purpose-built market rental housing stock in Metro Vancouver. Currently, there are 10,284 units in 311 buildings, with over 80% of buildings being constructed prior to 1970. This stock provides important and more

affordable market rental housing due to its age and because many existing tenants have maintained long-term tenancies where rent increases have been controlled by provisions under the *Residential Tenancy Act (RTA)*.

### ***New Provincial Housing Legislation and Transit-Oriented Areas***

In fall 2023, the Province passed several significant amendments to the *Local Government Act* to enable local governments to increase development densities and address the housing crisis in BC. One significant change was to establish transit-supportive densities adjacent to transit stations through the Transit-Oriented Development (TOD) legislative framework. The City's Transit Oriented Development Areas [webpage](#) and [guide](#) contain detailed information on the new legislation.

### ***Impacts on Older, Purpose-Built Market Rental Housing***

Through the TOD legislation, the City is required to designate all land within 800 metres of SkyTrain stations as TOD areas. Within these TOD areas, the Province introduced a Minimum Allowable Density framework, which establishes allowable densities and building heights that the City must consider when exercising their zoning authority in relation to rezoning applications or amendments to zoning bylaws.

Under favorable economic conditions, the increased allowable density could make sites more attractive for redevelopment. However, the TOD area regulations do not change the existing rezoning process (e.g., application fees, submission requirements, staff review, etc.) or the ability to establish certain conditions of rezoning approval (e.g., tenant protections, rental replacement, etc.). Applications that align with the Provincially-mandated height and density must also demonstrate alignment with other City policies to receive support.

### ***City of New Westminster Rental Protection Policies and Initiatives***

The City has shown leadership in its commitment to preserving its older, purpose-built and more affordable market rental housing stock, and protecting the tenants who live within these rental units. The City's strategic direction, policies and initiatives to retain rental properties and protect tenants are summarized in attachment 1. In 2015, the City developed its Tenant Relocation Policy. While this policy was considered a best practice at the time, other municipalities have since developed policies which offer greater assistance and compensation, and in some cases, replacement housing. The key components of this policy are summarized in attachment 2.

### ***City of Burnaby's Tenant Assistance Policy***

The City of Burnaby's Tenant Assistance Policy is cited as one of the more progressive in Canada in accommodating and assisting tenants of multi-family market rental buildings who are displaced from their homes due to redevelopment or renovation that requires rezoning. Compared to the City of New Westminster's current policy, strengthened tenant protection elements include:

- Enhanced financial support for moving and help with arranging, if requested.
- Enhanced financial compensation in the form of rent top-up payments or a lump sum payment, to bridge the gap between current rents and market rents.
- Right to return to the redeveloped building at the same rent (plus any Residential Tenancy Act rent increases) in a unit with the same number of bedrooms.

## **ANALYSIS**

### ***Bill 16 - Tenant Protection Bylaws***

The Province has anticipated that additional tenant supports will be required where redevelopment of purpose-built rental housing is proposed. In April 2024, the *Local Government Act* was amended to give municipalities the authority to develop tenant protection bylaws to require developers to provide added support for tenants facing displacement in cases of redevelopment. This includes financial assistance, moving assistance, support to find a new place to live, or the right to enter into a new tenancy agreement with the owner in another building. This new authority to develop tenant protection bylaws is intended to ensure that municipalities can densify while minimizing negative impacts to existing tenants impacted by redevelopment.

### ***Precedent for the Need to Strengthen the City's Current Policy***

In 2023, as part of an Official Community Plan (OCP) amendment and rezoning application review at 909-915 Twelfth Street, staff identified that the City's current Tenant Relocation Policy (2015) is eight years old and due for an update. Accordingly, staff undertook a review of tenant relocation policies from other municipalities to inform the approach at the subject property and to inform a potential future update to City's policy. Based on this review, staff facilitated a 'middle-of-the-road' approach that offers significantly more protection for tenants than the City's current policy. The interim approach, which is described in more detail in attachment 2, improved on the 2015 policy in that it offered greater financial compensation by increasing lump sum payments and providing for moving expenses. It also captured a greater set of renters in the city as it applied to buildings with fewer than six residential units.

## **DISCUSSION**

### ***Proposed Next Steps***

To explore opportunities to update the City's Tenant Relocation Policy, staff propose the following next steps:

- to engage City of Burnaby staff to better understand their policy, including what is and is not working well, potential unintended consequences, lessons learned, and financial and staffing implications, among other considerations;

- to prepare an analysis based on this engagement, including identifying areas for possible further exploration, and to present back to Council for consideration and direction;
- to conduct further review and analysis if directed; and,
- to bring back an updated policy and bylaw for Council’s consideration and possible endorsement.

**Work Program Implications**

An update to the City’s Tenant Relocation Policy was already a work program item; however, its development was not scheduled to commence until the second or third quarter of 2025. Prioritizing this work will mean pausing other Social Planning work program items. After a review, staff are recommending that the Homelessness Needs Assessment, which was scheduled to commence during the third and fourth quarters of 2024 be rescheduled to commence during the second or third quarter of 2025

**FINANCIAL IMPLICATIONS**

The only financial implications in conducting this work is staff time. If further review and analysis is required, particularly if related to conducting work (e.g., an economic analysis) which cannot be undertaken by staff, then there could be financial implications. If this is the case, staff will seek Council endorsement to approve any funding request(s).

**OPTIONS**

The following options are presented for Council’s consideration:

1. That Council direct staff to update the City’s Tenant Relocation Policy using Burnaby’s Tenant Assistance Policy as a model to provide greater support for tenants who may be displaced from their homes, including through redevelopment.
2. That Council direct staff to pause work related to the Homelessness Needs Assessment in order to prioritize work on updating the City’s Tenant Relocation Policy.
3. That Council provide staff with other direction.

Staff recommends options 1 and 2.

## **ATTACHMENTS**

- Attachment 1: The City's Strategic Direction, Policies and Initiatives to Protect Rental Properties and Tenants
- Attachment 2: Summary of the Key Components of the City of New Westminster Tenant Relocation Policy (2015)

## **APPROVALS**

This report was prepared by:  
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This report was reviewed by:  
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