

REPORT

Planning and Development

To: Mayor Johnstone and Members of Council
Date: March 24, 2025

From: Jackie Teed, Director, Planning and Development
File: 13.2620.01
#2639681

Item #: 2025-92

Subject: Tenant Relocation Policy – Engagement and Policy Update

RECOMMENDATION

THAT the principles outlined in the Proposed Principles to Update the City's Tenant Relocation Policy Section of the March 24, 2025 report titled "Tenant Relocation Policy – Engagement and Policy Update" be used as a basis for the update to the City's Tenant Relocation Policy.

PURPOSE

To share key findings based on engagement with City of Burnaby staff related to their Tenant Assistance Policy, and to seek Council's endorsement of the principles outlined in this report as a basis for updating the City's Tenant Relocation Policy.

SUMMARY

At the September 9, 2024 Regular Meeting, Council directed staff to update the City's Tenant Relocation Policy using Burnaby's Tenant Assistance Policy as a model. Staff subsequently engaged City of Burnaby staff to better understand the policy and lessons learned.

Staff's analysis of Burnaby's policy has revealed key differences in local context and respective planning and development frameworks, and emphasized a need for continuous learning and improvements throughout the City's policy update and implementation process. Overall, the engagement with the City of Burnaby highlighted that there are opportunities to strengthen the City's current Tenant Relocation Policy.

The City has demonstrated leadership in its commitment to protecting the tenants who live in purpose-built and more affordable market rental housing. As such, staff is

recommending to bring forward a renewed Tenant Relocation Policy that is broadly consistent with Burnaby's approach. At this time, staff is seeking endorsement of policy principles outlined within this report. These principles are being raised now, as they will form the basis of the policy update to be undertaken in the second quarter of 2025, if endorsed by Council.

BACKGROUND

Council Motion

At the September 9, 2024 Regular Meeting, Council directed 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. As part of that report (Attachment 1), staff outlined 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, and lessons learned;
- 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 for Council's consideration and possible endorsement.

Additional background on current affordable rental stock, current City policies and initiatives, related new provincial legislation, etc. is included in Attachment 1.

ANALYSIS

Feedback from City of Burnaby Staff

In fall 2024, staff engaged City of Burnaby staff to understand their Tenant Assistance Policy. Background information on Burnaby's policy, an overview of its key components, and monitored indicators related to policy implementation, is included in Attachment 2.

Key themes from discussions with Burnaby staff are summarized below and additional detail contained in Attachment 3:

- *Targeted Application* – the policy is being implemented in locations where significant density is permitted through community plans, such as the Metrotown Downtown Plan.
- *Supportive Rental Replacement Policy* – Burnaby's 2019 Rental Use Zoning Policy supports the Tenant Assistance Policy by offering additional market density (strata or rental) with no amenity charge, to offset the cost of providing

replacement rental units on a 1:1 basis. This is similar to the City of New Westminster's current Secured Market Rental Policy which currently does not apply amenity charges to rental density. As with all municipalities, the context of financing growth and development incentives is changing in New Westminster and Burnaby, and further financial analysis is being undertaken by both Cities to understand the impacts of these changes to provision of such incentives.

- *No Completed Projects* – No projects have been completed under the 2020 Tenant Assistance Policy. One project offering replacement units was completed in 2018, but this was under the old compensation framework, and tenants were not required to receive interim support. As of July 1, 2024 the assistance policy has applied to 34 rezoning applications, with 2,017 units eligible to be replaced. The first of these projects could complete in the next two years at the earliest.
- *Impacts on Tenants* – Consistent feedback from tenants in Burnaby is that they value flexibility and autonomy in deciding between a lump-sum payment, or a replacement unit with interim support. Key concerns of tenants are that displacement for any period of time is difficult (many rely on established connections with surrounding community resources), and the uncertainty associated with in-stream projects which generally lasts several years (from initial planning through construction). As such, Burnaby's policy is moving away from a prescriptive approach of requiring financial compensation and towards more flexible options for tenants. A lump-sum payment is currently the most popular option as shown in Attachment 2.
- *Impacts on Development* – The most significant costs of the policy are the financial compensation requirements. Burnaby's policy, which was adopted in 2020, had not been deterring experienced developers, for whom the policy was understood as the cost of doing business. However: 1) developers trying to break into the market and/or who may have overpaid for land have been more challenged making projects financially viable while meeting policy requirements; and 2) more recently, significant changes in the development market and legislation have reduced the viability of realizing these policy requirements even for high-density proposals with established developers.
- *Staffing Implications* – Implementation and administration of the policy currently requires the equivalent of one full-time dedicated staff position, as well as additional dedicated staffing resources across a number of departments including Legal, Financial Services, and Bylaws.
- *Policy Evolution and Anticipated Updates* – The development and implementation of Burnaby's policy is still a work in progress, as staff is still learning about the nuances of implementation and the need for ongoing adaptation. Burnaby's policy is still recognized as one of the most progressive tenant assistance policies in BC and, except for minor amendments to the policy in 2022 and 2024, no substantive changes are anticipated in the near future.

Municipal Scan

In addition to meeting with Burnaby and reviewing their policy in detail, per best practice, staff has undertaken a scan of neighbouring municipalities’ tenant assistance tools. A comparison of these with the City of New Westminster’s current Tenant Relocation Policy, is included in Attachment 4.

Continuing the Policy Approach to Tenant Protection

Provincial Bill 16 (2024) has provided new authority for local governments to enact tenant protection bylaws to enable tenant protection requirements in areas that are pre-zoned for increased density. This means that tenant protection can be secured even if a project does not require a rezoning. This new tool differs from the current approach taken by many municipalities, including Burnaby and the City of New Westminster, which use the rezoning approval process to require tenant protection as a condition of approval, as guided by Council policy.

Since the City has not yet implemented extensive city-wide pre-zoning for increased density, staff recommend continuing with a policy approach at this time; however, as the City works to implement the provincial legislation requirements the use of the Bill 16 zoning tool will continue to be explored.

DISCUSSION

Proposed Principles to Update the City’s Tenant Relocation Policy

Using the City of Burnaby policy as a model, staff proposes the following principles to update the City’s Tenant Relocation Policy:

- **Tenant Options** – Include three options for tenants to choose from: 1) replacement unit with applicant secured interim housing and rent top up; 2) replacement unit with tenant secured interim housing and rent top up; or, 3) lump sum payment. This is consistent with the direction Burnaby’s policy is taking; and exceeds the City of New Westminster’s current policy which only includes a lump sum payment requirement, and aligns with the City’s draft Rental Replacement Policy.
- **Replacement Unit** – Include a right of first refusal to a rental replacement unit in the new building that includes the same number of bedrooms and the same rent as their original unit (plus Residential Tenancy Act allowable annual increases). All units in the new building will need to meet all other City regulations (e.g. minimum unit size requirements, unit mix requirements) and policies (e.g. Interim Shared and Separate Community Areas Policy).
- **Interim Housing & Rent Top Up** – For those choosing a replacement unit, require the following supports: 1) interim housing; 2) rent top up to cover the gap between the rent of their interim unit and of their previous unit, consistent with the direction of Burnaby’s policy. Under Burnaby’s policy, for applicant secured interim housing a tenant relocation coordinator on behalf of the

applicant/developer provides at least three options for interim housing where a rent top up is provided to help bridge the gap between the rent the tenants were paying at the rezoning site and the rent at the interim unit. For tenant secured interim housing, the tenant finds their own interim housing and is provided a rent top up to a maximum amount (the greatest of either 15% of the tenant's monthly rent, or the difference between the tenant's monthly rent and 30% above CMHC Median).

Tenant secured top ups have been more popular despite that tenants end up paying more for rent under this option. This may be due to a perceived conflict of interest between tenant relocation coordinators and developers, which the City of New Westminster policy update will try to address through the *Developer Tenant Assistance Program Management* principle outlined below.

- **Lump Sum Option Calculation** – Apply the same formula used in Burnaby's Tenant Assistance Policy (Attachment 2) to calculate the lump sum option.
- **Moving Expenses** – Cover moving expenses for all options including, for those choosing a replacement unit, cost of moving both to the temporary accommodation and cost of moving to the replacement unit, consistent with Burnaby's Tenant Assistance Policy.
- **Expanded Scope** – Expand the policy scope to include all impacted purpose built market rental units. This would exceed all of the researched policies, including Burnaby's; and exceed the City's current Tenant Relocation Policy which applies to market rental buildings with six or more units, and aligns with the City's current practices regarding tenant assistance through rezoning applications.
- **Master Planned and/or Multi-building Projects** – Where the development context permits, require applicants to implement phased redevelopment whereby residents can be relocated into the first building(s) constructed on the site, prior to tenancies being ended in the original building and it being restored and/or demolished. This is consistent with the enhanced tenant protections under the City of Vancouver's Broadway Plan.
- **Tenant Assistance Policy** – staff recommends renaming of the updated policy to reflect its broader intent to assist and compensate impacted tenants during the redevelopment process.
- **Developer Tenant Assistance Program Management** – Require implementation of the tenant assistance requirements by the developer to be managed by a neutral third-party, such as an external Tenant Assistance Coordinator. Staff recommends the City would issue a Request for Proposals to prequalify a list of external consultants to undertake the role of Tenant Assistance Coordinators. The Coordinator would report to the City, but be funded by the developer. This would be required in addition to a City staff position, required to implement the policy for the City.
- **City Tenant Assistance Program Management** – To implement and administration the policy the City would require a dedicated full-time equivalent

staff position, as well as additional dedicated staffing resources across a number of departments including Legal, Financial Services, and Bylaws.

Rental Retention and Replacement

As noted in the feedback from Burnaby, the Tenant Relocation Policy can be further supported by other City policies, such as the Secure Market Rental Policy, and the draft Rental Replacement Policy (2019). The latter applies to all existing purpose-built, market rental-housing sites where redevelopment will remove more than six rental units. Applicants seeking a rezoning are currently required to provide 100% of the secure market rental units, including 10% of total units secured as below-market rental units. The draft policy is also intended to ensure that redevelopment of older, purpose-built, market rental buildings does not lead to the loss of more affordable rental housing thereby displacing existing tenants. The Tenant Relocation Policy update would likely strengthen this, as the added policy requirements will add costs to the redevelopment process and could reduce the viability of some projects. As a result, where there are other sites suitable for development that do not involve tenant displacement, the costs associated with tenant protection may lead some developers to pursue projects on those sites instead.

Staff recommends reviewing and updating the draft Rental Replacement Policy (2019), and bringing it forward for Council endorsement.

NEXT STEPS

Should Council endorse the draft provisions include in the Proposed Principles to Update the City’s Tenant Relocation Policy Section of this report, staff would prepare the policy and forward to Council for endorsement.

Developing a city-wide Affordable Housing Strategy is an initiative that aligns with Council’s Strategic Priorities Plan, which staff have had to place on hold as provincial legislation is implemented. When possible, staff will bring forward the work plan to develop the strategy, for Council direction. This would include exploring an approach to end of life for existing rental stock, and is not anticipated until 2026 at the earliest.

FINANCIAL IMPLICATIONS

Implementation of the updated policy will be resource intensive and will require both a one full-time equivalent position within the City, consistent with the City of Burnaby, and an external consultant to provide third-party management for implementation of developer requirements. When presenting the policy, staff will seek Council endorsement to refer these requirements to Council for consideration as part of the 2026 budgeting process.

There are no financial implications associated with the policy update work, as it is being accommodated within the existing work program of the Social Planning section of Planning and Development.

INTERDEPARTMENTAL LIAISON

Staff across the Planning and Development Department have been engaged in implementing, reviewing and informing updated principles related to the Tenant Relocation Policy. Update to the current policy will be coordinated by the Planning and Development department with input from the Legal Services, and Finance departments.

OPTIONS

The following options are presented for Council's consideration:

1. That the principles outlined in the Proposed Principles to Update the City's Tenant Relocation Policy Section of the March 24, 2025 report titled "Tenant Relocation Policy – Engagement and Policy Update" be used as a basis for the update to the City's Tenant Relocation Policy.
2. That Council provide staff with alternative direction.

Staff recommends Option 1.

ATTACHMENTS

Attachment 1: September 9, 2024 Council Report - Response to Council Motion Regarding "Tenant Protections"

Attachment 2: Background on Burnaby's Tenant Assistance Policy and Tracked Indicators Related to its Implementation

Attachment 3: Analysis Notes from the Engagement on Burnaby's Policy

Attachment 4: Tenant Policy Comparison of Neighbouring Municipalities and the City's of Vancouver's Broadway Plan

APPROVALS

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Attachment 1

*September 9th, 2024 Council Report
Response to Council Motion Regarding
“Tenant Protections”*



Attachment 2

Background on Burnaby's Tenant Assistance Policy and Tracked Indicators Related to its Implementation

City of Burnaby Policy Background

The Tenant Assistance Plan sets out required supports for tenants facing displacement from purpose-built rental buildings with five or more units due to redevelopment associated with rezoning. The required supports seek to reduce the financial impact of redevelopment on tenants and provide an opportunity for them to remain in Burnaby long term.

City of Burnaby Council adopted the current Tenant Assistance Policy on March 9, 2020, which stipulated that the policy would be reviewed every two years. The first two-year review was approved by Council October 24, 2022. The majority of the following discussion is based on the second Tenant Assistance Policy two-year review.

Burnaby's Tenant Assistance Policy Overview

Under Burnaby's current Tenant Assistance Policy, eligible tenants may receive *financial compensation, moving compensation and the right of first refusal to a rental replacement unit*. The Tenant Assistance Policy Guide provides comprehensive information to applicants, Tenant Relocation Coordinators and tenants.

Policy Components

Financial Compensation

- **Option 1: Applicant Secured Interim Housing** - Tenant Relocation Coordinator (TRC) on behalf of the applicant/landlord provides at least three options for interim housing and where a rent top up is provided to help bridge the gap between the rent the tenants were paying at the rezoning site and the rent at the interim unit
- **Option 2: Tenant Secured Interim Housing** - Tenant finds their own interim housing and is provided a rent top up to a maximum amount (the greatest of either 15% of the tenant's monthly rent, or the difference between the tenant's monthly rent and 30% above CMHC Median). Tenants end up paying a lot more for rent under this option.
- **Option 3: Lump Sum** - 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

Moving Compensation

- **Option 1: Applicant Arranged Moving Compensation** - A moving company is arranged by the TRC and paid for by the rezoning applicant (available for tenants moving within Metro Vancouver).
- **Option 2: Flat Rate Payment** - The tenant can arrange the move themselves and receive a flat rate payment based on the number of bedrooms in their rental unit (\$900 for a studio or one bedroom unit, \$1,200 for a two bedroom unit, and \$1,400 for a three bedroom unit).

Right of First Refusal

- All eligible households are offered the Right of First Refusal for a replacement unit as provided for through the Rental Use Zoning Policy. Residential Tenancy Act (RTA) allowable rent increases between move out from the rezoning site and completion of the replacement units.

Implementation Background

As of July 1, 2024, the Tenant Assistance Policy and Rental Use Zoning Policy apply to 34 rezoning applications, with 2,017 units eligible to be replaced.

The Burnaby Renters Office, within the Planning and Development department, tracks three key milestones in the completion of the Tenant Assistance Policy obligations: initial requirements, tenant relocation, and occupancy of replacement units.

- **Initial requirements** - 32 projects have completed initial requirements. 30 projects have distributed Tenant Assistance Forms (TAFs) and approximately 80% of the eligible households have submitted a TAF.
- **Tenant relocation** - 13 projects have issued a Four Month Notice to End Tenancy, completed tenant relocation and have paid or are paying financial compensation. 43% have opted for a lump sum payment, while 20% of households in are receiving applicant secured monthly rent top ups and the remaining 37% tenant secured top ups.
- **Occupancy of replacement units** - 1 project has been completed and has offered tenants a replacement unit, at 6525 Telford. 63% of eligible tenants accepted a replacement unit.



Attachment 3

Analysis Notes from the Engagement on Burnaby's Tenant Assistance Policy

Analysis Notes from the Engagement on Burnaby's Tenant Assistance Policy

***Disclaimer** - The following notes are based on staff's interpretation of the verbal information provided by City of Burnaby staff, and not based on direct observations in the field. As such, they are provided as a background reference towards a more comprehensive understanding of Burnaby's Tenant Assistance Policy, but may not be fully representative of individual experience. Key findings will be further investigated when staff update related components of the City of New Westminster's Tenant Relocation Policy.*

A Work in Progress

Summary: The development and implementation of Burnaby's Tenant Assistance Policy is still a work in progress. Five years into adoption staff is still learning about the nuances of implementation and the need for gradual policy adaption.

No additional notes.

Flexibility, Autonomy and Choice

Summary: Burnaby's policy is moving away from a prescriptive approach to financial and moving compensation for displaced tenants and towards flexibility. Consistent feedback from tenants in Burnaby is that they value autonomy and choice in choosing between a lump-sum payment or a replacement unit and interim support if they wish to move into a replacement unit.

Additional Notes:

Financial compensation

- As of July 1, 2024, the Tenant Assistance Policy and Rental Use Zoning Policy applied to 34 rezoning applications, with 2,017 units eligible to be replaced
- The Burnaby Renters Office has shown that 43% of households have opted for a lump sum payment, while 37% are receiving tenant secured top ups, and 20% of households are receiving applicant secured monthly rent top ups.
- During the initial policy update, there was a restriction on lump sum payments; however, ongoing and consistent feedback from tenants was that they wanted flexibility and choice. A significant and increasing portion of households are now opting for the lump sum payment option.
- Staff does not formally record why tenants chose one option over another; however, many tenants have informally shared a mistrust of developers, that they do not want to be tracked, and appreciate the ability to manage their own financial compensation. Other factors informally shared is that several tenants are choosing to leave the province, or want to put money towards alternative

housing options in the future. Some tenants have shared that they didn't believe the City would be able to ensure developers would pay the top-ups.

- Developers have also informally communicated that they much prefer the lump sum options as it is less administratively intensive than the interim housing option.
- It is a requirement of Burnaby's policy that financial compensation options must be communicated neutrally with no coercion of tenants.

Moving compensation

- Option 2, or the flat rate payment is most popular, with 81 % of tenants choosing this option. Staff does not formally record the reasons for this preference, but tenants have informally shared that this provides them with independence and flexibility, particularly as they can request that flat-rate payment even before they are ready to move out.

Differing Policy Framework and Incentives

Summary: Burnaby's 2019 Rental Use Zoning Policy works in parallel with the Tenant Assistance Policy, and sets out a framework to support the replacement of rental units. Density offset incentives under the Rental Use Zoning Policy permit additional strata density that is intended to offset the cost of providing replacement rental units on a 1:1 basis. New Westminster does not currently contain a similar incentives framework.

Additional Notes:

- City of Burnaby's 2019 Rental Use Zoning Policy sets out the framework to support the replacement of rental units throughout the City, and is a key City policy that works in parallel with the Tenant Assistance Policy.
- Density offset development incentives under the Rental Use Zoning Policy (i.e. free strata density) are additional amounts of density intended to offset the cost of providing replacements rental units on a 1:1 basis. Tenants covered by the Tenant Assistance Policy are offered right of first refusal for these replacement rental units.
- These Rental Use Zoning Policy density provisions support the financial feasibility of realizing the replacement units. However, Burnaby has just adopted a development framework based on height instead of density, and City of Burnaby staff is reviewing the implications this will have on the density offset development incentives. Tenant assistance is currently not included in Burnaby's Community Amenity Contribution calculations.

Differing Development Context and Changing Market Conditions

Summary: Burnaby's Tenant Assistance Policy is moving forward where a significant density is permitted through community plans, such as the Metrotown Downtown Plan.

However, significant changes in the market have affected the viability of realizing policy requirements even under high-density entitlements.

Additional Notes:

- Burnaby's Tenant Assistance Policy appears to be moving forward because of the amount of development permitted through Community Plans. Specifically, this is most evident in the Metrotown neighborhood, which permits a lot of density that developers are able to take advantage of to offset the cost implications of delivering Tenant Assistance Policy requirements.
- There are significant commonalities between the rezoning applications where the Tenant Assistance Policy applies. Notably, most of the projects are in the Metrotown area, and on subject lots that were previously occupied by 2-4 story wood frame walkups built in the 60/70s era.
- There was a significant concentration of these older purpose-built rental homes in the Metrotown neighborhood, which was a geographic overlay of the Metrotown Downtown Plan that provided unprecedented density to that area, making it very attractive for redevelopment. This initially resulted in a flood of applications and significant demovictions and tenant displacement. This brought about a change of Council, and a subsequent moratorium on redevelopment until the Rental Use Zoning Policy and Tenant Assistance Policy were developed, both of which would apply to all future projects in the area.
- Under current market conditions, even with this amount of density permitted, some applications have communicated that they are struggling to realize Tenant Assistance Policy requirements.

Limited Information on Completed Projects

Summary: Since initial adoption of the updated Tenant Assistance Policy in 2020, only one project has been completed that has offered tenants a replacement unit. However, this was under the old compensation framework (2018) where tenants were not required to receive interim housing supports.

Burnaby does not have an example of a project that has gone through the full implementation of the updated policy, including financial compensation under the updated framework. This is a significant financial and administrative cost. Several projects under the updated policy are projected to be complete in the next 2 years, which will provide an additional learning opportunity to monitor and then examine as part of future updates to the policy

Additional Notes:

- Since initial adoption of the updated Tenant Assistance Policy (2020), only one project has been completed and has offered tenants a replacement unit, at 6525 Telford. However, at this site tenants were compensated under the 2018 version of the policy that required a minimum equivalent to 3 months' rent compensation.

These tenants were not receiving a top up in the interim period, and presumably they could afford where they were living before getting an offer to move back to the Telford site.

- One of the requirements of the policy is that the developer submit a final report that outlines who moved in, why and why not. At 6525 Telford, only 63% of eligible tenants accepted a replacement unit. Key reasons shared as to why some tenants did not move back is: because they were happy where they were situated, were settled in new community, and could afford the rent; family grew and the policy of 1 for 1 replacement did not apply; and, some tenants had unfortunately become deceased in the interim.
- Several other projects are still moving forward, and at the time of the discussion approximately 700 tenants were in interim housing successfully receiving compensation.

Staffing Implications

Summary: Robust tenant protection can be intensive from a staffing perspective. Burnaby's policy is administratively time consuming and complex. With a high volume of eligible applications, administration of the policy requires dedicated and significant staffing resources across the planning department, and requires support from legal, financial services, and bylaws.

Additional Notes:

- Burnaby's Tenant Assistance Policy is administratively time consuming and complex, and requires a dedicated staff team.
- Burnaby has developed a policy implementation guide, which is 54 pages and still missing some details.
- The Burnaby Renter Office within the Housing Division is designed to field inquiries about the Tenant Assistance Policy and is currently solely managed by the Tenant Assistance Planner. The name is misleading as it is neither an office with a team of planners, or designed to field other types of tenancy inquiries and issues.
- The Burnaby Renter Office fields between 10 and 20 Tenant Assistance Policy inquiries per week. The challenge is balancing immediate inquiries, following up on the specific requirements of the policy with developers, supporting tenants, and all while considering long-term and strategic updates to the policy.
- A significant portion of the time consumed for the Tenant Assistance Planner, housed in the Community Planning division, involves working with development planners to implement policy. The Tenant Assistance Planner oversees all of the rezoning files where the Tenant Assistance Policy applies, ensuring requirements are being completed by TRC, following up with tenants, while building up policy implementation processes and recommending updates.
- Involvement by other divisions and departments at the City of Burnaby includes:

- Legal prepares legal agreements and covenants. Legislative services manages numerous FOI requests.
- Subdivision prepares the bonding amounts and payments.
- Finance is involved when there is a default on payments and if the City has to pay top up on behalf of the developer by cashing bonds.
- The Mayor's office regularly coordinates responses to tenant inquiries.
- The key legal documents that secure the Tenant Assistance Policy are Housing Agreements and Section 219 covenants. The covenant secures the broad obligations of compensation, and outlines the bond amount, terms for return and circumstances where the bond can be cashed. The housing agreement secures details around the replacement units (e.g. number of units, affordability, terms of tenancy etc.)
- The Tenant Assistance Form is the main administrative document that is filled out by tenants which documents contact information and the type of compensation they would like to receive. Council directed staff to collect the Tenant Assistance Forms; however, this is a major administrative load that should be streamlined.
- The Subdivision Division prepares the Tentative Approval Letter (covers all conditions of final adoption) and shares the Housing Agreement templates, while the in-house legal team finalizes the documents.
- Tenant Relocation Coordinator (TRC) have the primarily responsible for tracking, administering and updating the provisions of the tenant agreements and other legal document; however City staff end up taking on a significant portion of this responsibility, even without clear internal systems in place.
- Coordination and implementation of a tenant assistance policy should be housed within the development planning division, which should primarily focus on implementation of the adopted policy/bylaw (e.g. overseeing specific rezoning Tenant Assistance Policy project requirements). Separate policy staff should be allocated to support ongoing and high-level policy evaluation, review and updates.
- Having an implementation strategy in place prior to policy adoption is paramount. This includes a good training program and guides for staff, developers, tenants and other parties.
- Cities should avoid rolling out new tenant assistance policies when there is a major backlog of development applications, as administering the policy under these conditions will consume significant staff time throughout the whole planning department.

Impacts on Tenants

Summary: There is mixed reaction to Burnaby's strengthened policy, with a general sentiment that more can be done. Displacement for any period of time is difficult, as many affected tenants rely on established connections with surrounding community resources. A key concern for tenants is the insecurity associated with in-stream projects, which can last several years and sometimes with uncertain development viability.

Additional Notes:

- Overall there is mixed reaction to the strengthened Tenant Assistance Policy.
- Planners in other jurisdictions often report to Burnaby planners that tenants in their community would like to see the same level of compensation; however, even in Burnaby the general sentiment is that more can be done.
- Even with the compensation received, it still doesn't feel sufficient and the overall impact of displacement from established community is always difficult.
- A key concern of tenants is the uncertainty associated with the many in-stream projects (which can last several years). It is hard for tenants tied to projects that are stuck in the redevelopment process.
- There isn't a formal mechanism for tenants to provide feedback and directly inform policy administration; however, the Tenant Assistance Planner regularly received complaints and recommendations, and logs all correspondence to inform future updates.
- Burnaby's Tenant Assistance Policy does not currently contain a robust enforcement mechanisms (e.g. ticketing) to ensure that applicants abide by its requirements. This is a main reason why staff is looking to transition the policy to a bylaw through the enabling legislation of Bill 16.
- A common complaint from tenants pertains to what can be done when rezoning applicants are not paying on time. The Tenant Assistance Planner is the first line of defense to encourage applicants to abide by policy requirements.
- The main informal reinforcement mechanisms include: the policy requirements are a conditions of rezoning and an application can be impacted if policy obligations are not fulfilled; the covenant can require that policy obligations are met in order to receive occupancy permit; and, the City can cash the bond and start paying top ups and lump sums on behalf of the applicant until they resume or there is a new owner.

Impacts on Developers

Summary: Burnaby's policy has not deterred experienced developers from adding to housing supply, for whom the policy is understood as the cost of doing business. However, less established developers, particularly those trying to break into the market and who may have overpaid for land, are in a more challenging situation with regard to

making projects financially viable, including related to policy requirements. In most cases, the developer is the property owner when beginning to engage with the policy.

Additional Notes:

- Burnaby staff is not of the opinion that the updated policy has deterred developers from working in Burnaby and from adding overall housing supply in the City. There is always a lot of applications on the go.
- Initially, some developers were not happy when the updated policy was introduced, but established developers have accepted the policy and understand this as the cost of doing business in Burnaby.
- Anecdotally, staff understand that the less established developers, particularly those who were trying to break into the market and who may have overpaid for land are in a more challenging situation with regard to making project financially viable.
- While staff has not formally undertaken a general Tenant Assistance Policy pro-forma analysis, it is overall understood that Inclusionary Housing policy and its level of affordability required has a larger financial impact on project viability. In the grand scheme of things, the Tenant Assistance Policy appears to be one of the smaller costs of doing development in Burnaby.
- In most cases, the developer is the landlord and owner of the property when it begins engaging with the Tenant Assistance Policy.
- Staff is not aware of any instances where landlords are choosing not to re-tenant units in order to avoid future requirements and costs associated with the strengthened Tenant Assistance Policy. However, this was occurring prior to the 2020 Tenant Assistance Policy, where landlords were emptying their buildings then submitting applications hoping for a more expedited rezoning and demolition.
- There is a Tenant Assistance Policy condition that if the City of Burnaby finds that a unit was vacated within 24 months prior to the rezoning being filed, the City can require that the last tenant in the unit be determined eligible. A challenge is that landlords or a rezoning applicant often do not record contact information for previous tenants. In response, the City publishes a list of all rezoning applications on the website to provide information on eligibility for those who lived in a building in a certain time period.
- When rezoning is in place and there is an expectation that demolition is on the horizon, staff has seen that maintenance can fall to the wayside. Sometimes rezoning limbo can take years. While the Tenant Assistance Policy specifies that maintenance is required through to demolition, Burnaby does not yet have a Standards of Maintenance Bylaw and lacks enforcement tools,

Policy Evolution and Anticipated Updates

Summary: Burnaby's policy is still recognized as one of the most progressive tenant assistance policies in the province. Since the initial comprehensive policy update in 2020, followed by minor amendments in 2022 and 2024, staff is not considering additional substantial tenant assistance provisions in the near future.

Additional Notes:

- It is still recognized that Burnaby's Tenant Assistance Policy is one of the most progressive policies in the province in terms of supporting and protecting tenants. Municipalities in the region continue to engage Burnaby on their approach. Most notably, Vancouver's recent Broadway Plan mirrored Burnaby's Tenant Assistance Policy requirements.
- Since the initial Tenant Assistance Policy update in 2020, and with subsequent updates in 2022 and 2024, staff has not undertaken any additional comparative policy analysis of similar policies in the region.
- Burnaby is not currently looking at any additional and significant tenant assistance provision to improve the current policy.
- Burnaby staff is considering the opportunities stemming from Bill 16 and the approach of transitioning requirements of the Tenant Assistance Policy into a bylaw.



Attachment 5

Tenant Policy Comparison of Neighbouring Municipalities and the City's of Vancouver's Broadway Plan

Tenant Policy Comparison of Neighbouring Municipalities and the City's of Vancouver's Broadway Plan

	Burnaby	Vancouver <i>Broadway Corridor</i> <i>Modeled after Burnaby's</i> <i>Tenant Assistance Policy</i>	Delta	Richmond	Surrey	Coquitlam	New Westminster <i>Tenant Relocation</i> <i>Policy (2015)</i>
Scope	Five or more units	Five or more units	Five or more units	Not Specified	Six or more units	Five or more units	Six or more units
Financial Compensation	<ol style="list-style-type: none"> Lump Sum Applicant Secured Interim Housing Tenant Secured Interim Housing 	<ol style="list-style-type: none"> Lump Sum Applicant Secured Interim Housing Tenant Secured Interim Housing 	Lump Sum - Three months rent	Lump Sum - Three months rent	Lump Sum - Three months rent	Lump Sum - Six months rent	Lump Sum - Three months rent
Moving Compensation	Flat Rate <ul style="list-style-type: none"> \$900 (studio & 1 bed) \$1200 (2 bed) \$1400 (3+ bed) 	Moving fees payments: <ul style="list-style-type: none"> \$750 (studio & 1 bed) \$1000 (2 bed) \$1000 (3+ bed) 	Moving fees payments: <ul style="list-style-type: none"> \$1000 (studio & 1 bed) \$1250 (2 bed) \$1500 (3+ bed) 	Not specified	Not specified	Moving fees payments: <ul style="list-style-type: none"> \$750 (studio & 1 bed) \$1000 (2 bed) \$1000 (3+ bed) 	Not specified.
Replacement Unit	Yes, right of first refusal to unit with same number of bedrooms & same rent as previous unit + RTA-allowable increases.	Yes, right of first refusal to unit with rent that is lower of rent at the time of the rezoning application or 20% below CMHC average market rents for Vancouver.	Yes, right of first refusal to unit with rent offered at 20% discount below average market rental rates, or where there is a market strata component, tenants offered a minimum 5% discount on the sale price.	Yes, right of first refusal to unit with rent offered at 10% below the City of Richmond's Low-End Market Rental (LEMUR) rates, or where there is a market strata component, tenants offered a minimum 5% discount on the sale price.	Yes, right of first refusal to unit with the maximum price for a unit at 10% below the CMHC average rent for a given unit size in Surrey.	Yes, right of first refusal to unit where tenants can rent at market rates. If a project makes use of incentives for below or non-market units, they are offered to previous tenants who meet the income eligibility requirements.	Not included in the current policy. Intent captured through the draft Rental Replacement Policy.

Source: BC Tenant Policy Atlas