



CITY OF WEST KELOWNA COUNCIL POLICY MANUAL

Approval Date:

SUBJECT: RENTAL PROTECTION AND TENANT RELOCATION ASSISTANCE POLICY

Purpose:

This Policy sets out the criteria for redevelopment of purpose-built rental housing and provision of assistance to tenants when redevelopment occurs in the City of West Kelowna (the City). The purpose of this Policy is:

Section 1: Rental Protection - to prevent the loss of purpose-built rental housing units and types; and,

Section 2: Tenant Relocation Assistance - to mitigate the impacts on existing tenants by requiring advanced notice and enhanced assistance.

The criteria outlined in this Policy shall be considered to be in addition to any provincially mandated requirements under the *Residential Tenancy Act*, unless specified.

All information that is provided in accordance with this Policy shall be administered in compliance with the *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c. 165 and the *Personal Information Protection Act*, S.B.C. 2003, c. 63.

Application:

This Policy applies to all Zoning Bylaw Amendment applications that would result in the proposed demolition of any building or combination of buildings containing five or more dwelling units within a purpose-built rental development.

Section 2 of this Policy also applies to all Strata Conversion applications that would result in the stratification of any building or combination of buildings containing five or more dwelling units within a purpose-built rental development. Note: The right of first refusal tenant assistance does not apply to Strata Conversion applications.

The Policy does not apply to the secondary rental market such as single family homes, duplexes, secondary suites, and carriage homes, or individual strata units rented out by owners.

The City may consider an alternate proposal brought forward by an Applicant for not-for-profit housing that is operated by non-profit housing societies, housing co-operatives, provincial, city or regional government authorities, or on-/off-reserve Indigenous housing organizations, that meets the general intent of this Policy.

Definitions:

Applicant means the land owner, or their agent/representative, of the lands containing a purpose-built rental development, and includes any successor land owner, or their agent/representative through the development process.

Eligible Tenant means a tenant who has a tenancy agreement for a rental unit of a purpose-built rental development at the time the City receives a complete Zoning Bylaw Amendment or Strata Conversion application for the property.

Tenant Relocation Coordinator means the person or organization representative acting as the single point of contact for communication with Eligible Tenants and the City on behalf of the Applicant.

Section 1: Rental Protection

- 1.1. The Applicant must submit, with their application materials, the current number of residential rental units, including the number of bedrooms (the “Rental Units”) in each unit present in the purpose-built rental buildings on the lands proposed for rezoning.
- 1.2. Any new development proposed to replace a purpose-built rental development should include at least the same number of Rental Units, with these units having the same number of bedrooms per unit, or more bedrooms per unit as the existing development (the “Replacement Units”). The City may, in its sole and unfettered discretion, consider proposals to concurrently construct the Replacement Units at an alternate location, subject to such terms and conditions deemed appropriate by the City, provided there is no net loss of purpose-built rental units, and the intent of the Policy is met.
- 1.3. Applicants should enter into a Housing Agreement pursuant to Section 483 of the *Local Government Act* to secure the Replacement Units for a minimum of 20 years.

Section 2: Tenant Relocation Assistance

2.1. Tenant Relocation Plan and Statement of Occupancy

The Applicant is required to submit a Tenant Relocation Plan and a Statement of Occupancy to the City as part of the Zoning Bylaw Amendment or Strata Conversion application materials. As part of the application process, City staff will review, and provide feedback on the Tenant Relocation Plan.

2.1.1. The Tenant Relocation Plan must include:

- (a) Details of the proposed project, such as proposed number of units, and tenure (e.g. purpose-built rental units, market strata units);
- (b) A timeline and overview of the redevelopment process, and the process for providing supports to Eligible Tenants. This should highlight that a notice to end tenancy cannot be issued until after all required permits for the project have been issued by the City under the provisions of the *Residential Tenancy Act*.

- (c) Acknowledgement that final approval of the Zoning Bylaw Amendment or Strata Conversion application is Council's decision, and that Relocation Assistance is available based on the Tenant Relocation Plan;
- (d) Information on relocation assistance, described in Section 2.3, available to Eligible Tenants;
- (e) Information on resources available for Eligible Tenants, including, but not limited to: the Rental Protection and Tenant Relocation Assistance Policy, instructions on how to access the resources provided by the Residential Tenancy Branch and the Tenant Resource and Advisory Centre, and links to Provincial housing supports such as the SAFER program and BC Housing Registry; and,
- (f) Contact information for the Tenant Relocation Coordinator, including hours of availability.

2.1.2. The Statement of Occupancy must include:

- (a) Unit numbers (address);
- (b) The total number of Eligible Tenants;
- (c) Length of tenancy for each Eligible Tenant;
- (d) Number of bedrooms in each unit occupied by Eligible Tenants; and
- (e) Amount of rent at time of Zoning Bylaw Amendment or Strata Conversion application (including damage deposits, pet deposits, and utilities as applicable).

2.2. Tenant Relocation Coordinator

The Applicant is required to designate a Tenant Relocation Coordinator, and provide information to the City that describes their experience and suitability for the work as part of the application.

The Tenant Relocation Coordinator is responsible for the following:

- (a) Providing information to Eligible Tenants regarding tenant resources.
- (b) Responding to and maintaining communication with City representatives and Eligible Tenants through the life of the project up to new building occupancy.
- (c) Providing all Eligible Tenants with notice of the Applicant's intent to redevelop or stratify the property (the "Notice"), and a copy of the Tenant Relocation Plan.
- (d) Hosting a tenant information meeting for all Eligible Tenants prior to 1st Reading of the Zoning Bylaw Amendment application, or Meeting of Council to consider the Strata Conversion application.
- (e) Conducting one-on-one meetings with Eligible Tenants to assess additional needs beyond those identified in the Statement of Occupancy (as described in Section 2.1.2) including but not limited to accessibility, affordability, presence of children or dependents,

presence of pets, need for translation services, and whether any additional supports are required.

- (f) Maintaining records of:
 - (i) Letters and notices concerning Eligible Tenants for the duration of project including the initial notification to tenants, up to and including a minimum of one year following occupancy of the new rental units;
 - (ii) Dates of any tenant information meetings and when the Tenant Relocation Plan was provided to Eligible Tenants; and,
 - (iii) Each Eligible Tenant's choice to exercise or decline their right of first refusal as described in Section 2.3(d), to be provided to the City as part of the Tenant Relocation Report (as described in Section 2.4).
- (g) Finding alternative accommodation options in accordance with Section 2.3(a) and providing the options to each Eligible Tenant.
- (h) Supporting Eligible Tenants in applications to BC Housing or other non-profit housing organizations, upon request by the Eligible Tenant.

2.3. Relocation Assistance

The Applicant must provide relocation assistance for all Eligible Tenants as a condition of Zoning Bylaw Amendment or Strata Conversion approval, regardless of whether the Eligible Tenant(s) vacate the unit prior to Council approval. Relocation assistance should be provided, at a minimum, as described in this section. Applicants are encouraged to exceed these minimums, particularly for longer term tenants that may be more impacted by relocation.

Relocation assistance includes the following:

- (a) Providing each Eligible Tenant with a minimum of three alternative accommodation options that:
 - (i) prioritize the same general area of residence of the purpose-built rental development, unless the Eligible Tenant requests options in other communities in the Okanagan region;
 - (ii) meet the Eligible Tenants' unit type (i.e. number of bedrooms), as identified in the Statement of Occupancy, and accessibility needs, unless otherwise agreed to by the Eligible Tenant in writing; and
 - (iii) charge rent generally not exceeding the greater of 10% above the CMHC average market rent for the City of West Kelowna, or 10% above the rent currently being paid for the existing unit.

In the event that such a unit is not available despite a reasonable effort by the Applicant or Tenant Relocation Coordinator, alternative arrangements can be made if agreed to by the Eligible Tenant in writing.

- (b) Moving expenses, based on the number of bedrooms of the existing unit, upon time of end of tenancy, as follows:

Number of Bedrooms	Moving Expenses
One or fewer	\$1,000
Two	\$1,250
Three or more	\$1,500

The above amounts should be adjusted upwards annually from the date this Policy is approved based on the Consumer Price Index (CPI).

- (c) Financial compensation, which at the option of the Eligible Tenant, may take the form of:
- (i) a lump sum payment upon time of end of tenancy;
 - (ii) free rent for the associated number of months in the current unit; or
 - (iii) a combination thereof.

Financial compensation should be provided at the end of tenancy, and should be calculated using the following formula:

Resident Tenure in Years	Number of Months Rent
Less than 5 years	3 months
5 – 9 years	4 months
10 – 19 years	5 months
20 years and above	6 months

The financial compensation outlined above is determined at time of a complete Zoning Bylaw Amendment or Strata Conversion application and includes any compensation due under the *Residential Tenancy Act*.

- (d) Each Eligible Tenant shall be offered a right of first refusal (“RFR”) to enter into a tenancy agreement for a rental unit in the new building(s) (an “Offer”) with at least the same number of bedrooms as the existing unit of each Eligible Tenant (unless otherwise agreed to by the Eligible Tenant in writing), as follows:
- (i) The Offer must remain open until 3rd Reading of the Zoning Bylaw Amendment application. If an Eligible Tenant accepts an Offer, the existing or successor land owner must grant a RFR for a rental unit to the tenant.
 - (ii) A minimum of three months prior to Occupancy Permit Issuance, returning Eligible Tenants should be offered a minimum 20% discount below average market rental rates for units equivalent to their existing unit (e.g. number of bedrooms, accessibility).
- (e) The Applicant is encouraged to provide supplementary supports as required for those identified as having additional needs.

2.4. Reporting and Covenant Requirements

- 2.4.1. Prior to 3rd Reading of the Zoning Bylaw Amendment application, or prior to a Meeting of Council to consider the Strata Conversion application:

The Applicant must provide a Tenant Relocation Report to the City, signed by an authorized signatory of the Applicant, serving as a declaration that all components of the Tenant Relocation Plan are understood and will be satisfied.

The Tenant Relocation Report must include the following information:

- (a) The number of Eligible Tenants, and associated length of tenancy;
- (b) The Tenant Relocation Plan including Relocation Assistance to be provided to each Eligible Tenant, and summary of other compensation and assistance provided as outlined in this Policy;
- (c) The number of Eligible Tenants, if any, that have declined their RFR to return to the new development; and
- (d) Copies of all signed agreements between the Applicant and Eligible Tenants.

- 2.4.2. For a Zoning Amendment application, prior to Council Adoption of the amendments:

The Applicant must enter into a Section 219 covenant pursuant to Section 483 of the *Local Government Act* to secure the Tenant Relocation Plan requirements.

- 2.4.3. For a Strata Conversion Application, as a condition of Council Approval:

The Applicant must enter into a Section 219 covenant pursuant to Section 483 of the *Local Government Act* to secure the Tenant Relocation Plan requirements.

- 2.4.4. For the duration of the project, up to and including a minimum of one year following occupancy of the new rental units, the City may request a summary report at any time that outlines the status of the Tenant Relocation Plan results, including but not limited to:

- (a) The Relocation Compensation and Assistance that has been provided to each Eligible Tenant;
- (b) A summary of RFR provided to Eligible Tenants including the proposed rents, and unit type (number of bedrooms); and
- (c) The decision of Eligible Tenants to accept or not accept the offer of RFR.

----- End of Policy -----