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To: "Direct to Mayor and Council - DL"

CC: "City Manager's Correspondence Group - DL"

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Date: 5/15/2020 7:41:32 AM

Subject: Memo - Renter Office Update on Impacts of COVID-19 on Vancouver Renters

Attachments: ACCS - GM - Memo (Mayor & Council) - Renter Office Update on Impacts of COVID-19 on Vancouver Renters (2020-05-14).pdf

Dear Mayor and Council,

Attached is a memo from the General Manager of Arts, Culture, and Community Services, Sandra Singh regarding the impacts of COVID-19 on Vancouver renters as observed by the Renter Office.

- The COVID-19 pandemic and resulting Provincial State of Emergency have serious implications for many Vancouver renters, particularly those with low to moderate incomes and for whom the pandemic has resulted in job/income loss and inability to pay rent.
- The memo includes key issues raised by partner non-profit renter-serving organizations and key actions underway to support renters.
- Renter Office staff will continue to gather information from the various renter serving non-profits to ensure trends in renter challenges, issues and opportunities can be identified and elevated as needed.
- Staff will continue to update Council as we progress through COVID response and recovery.

If you have any further questions, please do not hesitate to email Sandra Singh at Sandra.singh@vancouver.ca.

Best,
Sadhu

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Pronouns: he, him, his



The City of Vancouver acknowledges that it is situated on the unceded traditional territories of the Musqueam, Squamish, and Tsleil-Waututh peoples.

MEMORANDUM

May 14, 2020

TO: Mayor & Council

CC: Sadhu Johnston, City Manager
Paul Mochrie, Deputy City Manager
Lynda Graves, Administration Services Manager, City Manager's Office
Rena Kendall-Craden, Communications Director
Rosemary Hagiwara, Acting City Clerk
Neil Monckton, Chief of Staff, Mayor's Office
Alvin Singh, Communications Director, Mayor's Office
Anita Zaenker, Chief of Staff, Mayor's Office
Celine Mauboules, Acting General Manager, Homelessness Services and Affordable Housing Programs
Gil Kelley, General Manager, Planning, Urban Design and Sustainability
Dan Garrison, Assistant Director, Housing Policy and Regulation

FROM: Sandra Singh, General Manager, Arts, Culture and Community Services

SUBJECT: Renter Office Update on Impacts of COVID-19 on Vancouver Renters

PURPOSE

This memo provides an update from the CoV Renter Office to Mayor and Council on impacts of COVID-19 on Vancouver renters. It includes key issues raised by partner non-profit renter-serving organizations and recommendations for next steps to support renters.

BACKGROUND

City of Vancouver Renter Office and Renter Advocacy and Services Team

In November 2018, Council approved Motion B.2: *Creating a Renter Office at the City of Vancouver* that can support and advocate for the needs of renters and ensure coordinated and timely action by City departments to assist renters at risk of displacement. In June 2019 (RTS 13180), Council approved the creation of an internal CoV Renter Advocacy and Services Team (RAST) with the mandate to support Vancouver renters to better understand and pursue their rights and to work with building owners, landlords, community partners, and other levels of government to improve renter protections and stability of rental tenancies. The cross-departmental Team includes staff from ACCS, PDS, DBL and Legal Services, with ACCS providing the main point of contact for renters and coordination role for the Team.

Provincial State of Emergency and Renters

The COVID-19 pandemic and resulting Provincial State of Emergency declared on March 18 have serious implications for many Vancouver renters, particularly those with low to moderate incomes and for whom the pandemic has resulted in job/income loss and inability to pay rent.

Ministerial Order M089 and Amendments to RTA

On March 25, Premier John Horgan and Housing Minister, Selina Robinson announced Ministerial Order M089 as a temporary amendment to the Residential Tenancy Act (RTA) to support renters and landlords during the state of emergency and to help prevent the spread of COVID-19. On March 30, the Honourable Mike Farnworth, Minister of Public Safety and Solicitor General, signed the Ministerial Order M089 into law under the authority of the Emergency Program Act. The Ministerial Order will be in effect for the duration of the Provincial State of Emergency.

The Ministerial Order includes:

- Notices to end tenancy cannot be given for any reason during the state of emergency. In exceptional circumstances, a landlord may apply directly to the Residential Tenancy Branch to end the tenancy.
- The BC Temporary Rent Supplement (BC-TRS) has been made available to support renters and landlords facing income loss, payable directly to landlords (up to \$500/month for eligible households with dependents; up to \$300/month for eligible households without dependents).
- Rent increases will not come into effect until the state of emergency is over.
- Landlords are not permitted to enter a rental unit without the consent of the tenant even if proper notice has been served unless there is risk to personal property or life.

Timing of State of Emergency

A declaration of a provincial state of emergency may be issued by the Minister responsible under the Emergency Program Act. The provincial government can extend the period of a declaration made by the Minister responsible for further periods of time for up to 14 days at a time. A two-week extension to the COVID-19 Provincial State of Emergency was declared on May 13 and, along with Ministerial Order M089, is due to end on May 26, with implications for both renters and landlords.

On May 6, the Province announced BC's *Restart Plan* and next steps to move BC through the pandemic. The Province has not yet provided information on what protections will be in place for renters post-emergency. Staff expect an announcement providing further details imminently.

Impact of COVID-19 on Vancouver Renters

During the pandemic, staff in the CoV Renter Office in ACCS have been collecting and tracking daily statistics on the number and nature of COVID-related enquiries from Vancouver renters from the following non-profit renter-serving organizations:

- **Access Pro Bono:** promotes access to justice in BC by providing quality pro bono legal services for people of limited means. Their Residential Tenancy Program offers free legal representation by volunteer lawyers and law students to low-income individuals appearing before the RTA.
- **Community Legal Assistance Society (CLAS):** a non-profit law firm that provides legal assistance, including on tenancy law, and works to advance the law to address the critical needs of those who are disadvantaged or face discrimination.
- **First United Advocacy:** provides legal assistance, advice and representation to low-income and vulnerable people in the DTES, with a focus on tenancy and social assistance issues.
- **Tenant Resource and Advisory Centre (TRAC):** promotes the legal protection of residential tenants across BC by providing information, support and research on residential tenancy matter. For eligible tenants, TRAC offers direct legal advocacy and representation.
- **Vancouver Rent Bank (VRB):** provides interest-free loans to eligible families and individuals who live in Vancouver and who are at risk of eviction or essential utility disconnection because of temporary shortage of funds.

Each non-profit has reported receiving renter enquiries related to COVID since the beginning of the state of emergency. The average number of COVID-related enquiries by non-profit between March 16 and April 24, 2020 is as follows:

- Community Legal Assistance Society (CLAS): 50/week
- Vancouver Rent Bank (VRB): 30/week
- TRAC: 28/week
- First United Advocacy: 10/week
- Access Pro Bono: 9/week

Renter Office staff have also been tracking COVID-related enquiries to the CoV Renter Enquiry Line. The average number of COVID-related enquiries between March 16 and April 24 is:

- Renter Enquiry Line: 5/week

Staff note that COVID-related enquiries to the Renter Enquiry Line were highest prior to the March 25 Provincial announcement of M089 RTA amendments, and decreased thereafter. Staff also note that non-COVID-related enquiries (status of City permits, property use, TRP questions) have significantly decreased since March.

Impact of COVID-19 on Landlords

Staff in PDS have also been hearing of the challenges facing Vancouver landlords during the emergency, many of which will ultimately impact renters. There is growing concern that rental owners, including small-scale landlords and individual homeowners, may face challenges managing their buildings or undertaking major repairs because of revenue shortfalls. There is a risk that this will result in pressure on landlords to sell their property, leading to greater risk for and potential displacement of tenants.

DISCUSSION

Key Issues Facing Vancouver Renters during the Pandemic

The following is a summary of key issues facing Vancouver renters because of the COVID-19 pandemic, as reported by the partner non-profit renter-serving organizations listed above.

Concerns about post-moratorium recovery:

- Concerns about rent accumulating as debt and no grace period to pay arrears
- Concerns about pre-existing eviction notices being enacted post-moratorium without grace period in which to relocate
- Concerns that loan recipients will face great difficulty repaying loans because of COVID-related income loss and the challenging recovery time ahead
- Overall growing concern about how government will help tenants once the moratorium is lifted. Current measures will help tenants survive, but more support and grace periods will be needed down the road to help them recover.

Tenants in RTA-exempt housing still at risk of eviction:

- The tenant relief, including suspension of evictions and freeze on rent increases, provided in M089 does not apply to tenants in RTA-exempt housing (e.g. 2nd stage transitional housing, or where tenants share the bathroom/kitchen with owner)
- Evictions are occurring and tenants have no legal recourse
- On April 22, TRAC wrote to Minister of Municipal Affairs and Housing requesting expansion of moratorium to include renters not covered by RTA (see attached letter)

COVID-related job/income loss triggering spike in loan applications from moderate-income earners

- Majority of VRB loan applications directly related to job/income loss because of COVID (laid off, business closes, sick with COVID) and resulting inability to pay monthly expenses
- VRB seeing new trend of loan applications from moderate income earners vs. typical low-income earners. Increases to provincial income assistance (IA) and the BC-Temporary Rental Supplement (BC-TRS) have raised income of lower-income earners. Loan applications from this group have decreased while applications from moderate income earners have increased.

Relief measures (federal, provincial, non-profit) not sufficient or tenants not eligible

- Concerns about BC-TRS regarding eligibility, amount, and landlords not cooperating even though money goes to them
- Amount of BC-TRS is not nearly enough (\$300 per individual; \$500 per family). Additional financial support / relief will be needed to help tenants recover once the state of emergency is lifted
- Some tenants who have lost jobs are not eligible for relief or loans, for example because their pre-COVID incomes and/or debts are too high
- Concerns that one-time loans (e.g. VRB loans) are insufficient
- Concerns that VRB going through its loan capital faster than normal. Typical year VRB gives out approx. \$85K in loans. During COVID has already given out \$20K with more applications to review and more incoming.

Landlord behaviour

- Reports of poor living conditions, e.g. landlord refusing to maintain or repair property, turning off water/heat
- Reports of harassment/bullying from landlord for not paying rent in full or at all
- Reports of landlords issuing eviction notices to RTA-protected tenants despite the Ministerial Order
- Threats of eviction once crisis has past
- On the other hand, there are reports of landlords and tenants working together, with examples of landlords lowering rent with no penalty or late charges.

Lack of access to technology

- People who typically access internet at libraries and communal spaces no longer have access and cannot afford their own internet or phone plans. As a result, many are foregoing the opportunity even to apply for funding and subsidies.
- Creates barrier to accessing services online, and increases risk of spreading/contracting COVID as some in-person services for low-income tenants have had to continue (e.g. First United Advocacy)

COVID revealing cracks in the system

- While COVID disproportionately impacts the city's most marginalized residents, the emergency is showing us the precariousness of the financial situations of many of Vancouver's moderate/middle-income earning renters – small business owners, single parents, people working in service industries. In strong economic times, they survive, earning just enough to pay their monthly expenses, including rent. During a crisis like COVID, if they lose their income, they risk not being able to pay their rent and losing their home. Many literally are “one pay cheque away” from being homeless.
- The emergency also shows us the risks that renters who live in RTA exempt housing face.

Renter Service Grants and COVID-19

Renter Services Grants totalling \$625,000 to 15 non-profits were approved at Council on February 26. On March 19, Council authorized the disbursement of previously approved 2020 Renter Services Grant funds to support community organizations to respond to the COVID-19 pandemic, assisting the target populations outlined in the original grant application.

STRATEGIC CONSIDERATIONS

Renter households comprise over half (53% in 2016) of Vancouver households and are a priority across a number of City strategies, policies and frameworks, including Housing Vancouver Strategy, Healthy City Strategy, Poverty Reduction Strategy, City of Reconciliation Framework, and the City's Equity Framework.

NEXT STEPS

Meeting the Needs of Renters – Pandemic Response/Recovery Planning

Addressing the challenges facing renters is a key aspect of the *COVID-19 Housing Response and Recovery Strategy*, as presented to Council on April 29, 2020. As part of the recalibration of our housing system during the post-crisis recovery period, it is important that staff work in partnership with the provincial and federal governments to address the cracks in the system and vulnerabilities facing renters and landlords.

Renter Office staff will continue to gather information from the various renter serving non-profits to ensure trends in renter challenges, issues and opportunities can be identified and elevated as needed. In particular, staff have heightened engagement with the Vancouver Rent Bank.

Key Actions:

- Staff are working with the Province on actions to strengthen the RTA to protect tenants from displacement while also supporting landlords with reinvestment in their properties.
- Staff are connecting and meeting (virtually) with other Metro Vancouver municipalities to learn about regional impacts of COVID on renters and initiatives to protect renters during the crisis.
- Renter Advocacy and Services Team (RAST) – Staff will convene ACCS, PDS, DBL, and Legal Services to identify any cross-department issues or opportunities to improve renter security and address current and future displacement risks for renters.
- The new webpage for the Renter Office is now live (<https://vancouver.ca/people-programs/renter-office.aspx>), and staff will be creating a monthly newsletter for renters, anticipating the first one will focus on COVID-related issues.
- Staff are exploring a Virtual Renters Town Hall on the state of being a renter in Vancouver and impacts of COVID-19, and to receive feedback from renters on how City and other levels of government can best support renters in the recovery. Staff will update Council once a date has been determined.

- Staff are exploring a press release highlighting new website, promoting Virtual Renters Town Hall, and highlighting the challenges renters are currently experiencing with recommended mitigation/recovery actions and strategies.
- Staff continue to work with PDS Housing Policy and Regulation team on ways to retain and preserve the existing rental stock while balancing the renewal and expansion of these buildings.
- Staff are in the early stages of planning for the establishment of a community-based Renter Centre with a target opening in early-mid 2021. The Renter Centre will bring together key renter services so that Vancouver renters will be able to access supports, education and legal advocacy in one place.

FINAL REMARKS

If there are any questions or Councillors need additional information, please feel free to contact Sandra Singh, General Manager at sandra.singh@vancouver.ca



Sandra Singh, General Manager
Arts, Culture, and Community Services

tel: 604.871.6858

sandra.singh@vancouver.ca

Attachment(s)

1. Letter from TRAC to Minister of Municipal Affairs and Housing requesting expansion of moratorium to include renters not covered by RTA, dated April 22, 2020

April 22, 2020

The Honourable Selina Robinson, M.L.A.
Minister of Municipal Affairs and Housing
Room 310 Parliament Buildings
Victoria, BC V8V 1X4

Re: Protecting BC Renters Not Covered by the Residential Tenancy Act During the COVID-19 Public Health Emergency

Dear Minister,

This letter follows up on TRAC's previous recommendations for enhanced legal protections for renters during the COVID-19 public health emergency. TRAC supports the moratorium on evictions that has already been put in place, but submits that it should now be expanded to include tenancies that fall outside the jurisdiction of the *Residential Tenancy Act (RTA)* and Residential Tenancy Branch (RTB).

TRAC has heard from renters in British Columbia who live in housing not covered by the *RTA*, including roommates of tenants, students in homestays, and individuals living with owners with whom they share kitchen or bathroom facilities. These renters have told us about their concerns, most notably not being able to pay rent as the result of having their income significantly cut due to COVID-19. Until the moratorium on evictions is expanded to include all residential tenancies, these renters will still be at risk of eviction. This past Wednesday, the Tri-City News reported the story of a front-line healthcare worker who was evicted because she falls outside the jurisdiction of the *RTA* and RTB¹.

It is TRAC's view that these renters should be provided the same temporary protections as tenants who fall under the *RTA*. No British Columbian who pays rent for their home should be forced to move out during this state of emergency, regardless of whether or not they are defined as a "tenant" under the *RTA*. Allowing evictions to continue for a segment of renters not only endangers the personal health of those individuals, but it also jeopardizes the broader social distancing strategy that the province is engaged in.

A broad-spectrum ban on evictions is necessary and can be accomplished by instructing the Supreme Court of BC to not grant writs of possession for any residential premises, and by instructing bailiffs to not carry out any evictions. All renters in BC – not just "tenants" under the *RTA* – should be protected from eviction until the state of emergency has ended, at the earliest.

We have drafted two potential ways the Ministerial Order M089 could be amended to accomplish this goal. The first alters section 5 of the Order, while the second adds a section 5.1.

Writs of possession for residential premises

5 For the purposes of a writ of possession granted in Form 52 of the *Supreme Court Civil Rules* issued in relation to any residential premises, the term "promptly" is to be read as "at the time when this order no longer applies", unless the writ of possession was issued in relation to an order of possession made under section 56 or 56.1 of the *Residential Tenancy Act*.

Or

¹ <https://www.tricitynews.com/news/coquitlam-landlord-evicts-front-line-worker-over-covid-fears-1.24118219>

Writs of possession issued prior to effective date of order

5 For the purposes of a writ of possession granted in Form 52 of the Supreme Court Civil Rules on or before the date of this order and issued in relation to an order of possession made under *Residential Tenancy Act*, the term “promptly” is to be read as “at the time when this order no longer applies.”

Writs of possession for non-RTA matters

5.1 For the purposes of a writ of possession granted in Form 52 of the *Supreme Court Civil Rules* at any point prior to or during the period of time this order applies in relation to a residential premises and not in relation to an order of possession made under the *Residential Tenancy Act*, the term “promptly” is to be read as “at the time when this order no longer applies.”

The Premier and Minister of Municipal Affairs and Housing have both promised all British Columbians that no renter will lose their home because of COVID-19. We believe that expanding the moratorium on evictions to include all residential tenancies is a step that must be taken in order to keep that promise.

If you have any questions or concerns, please do not hesitate to contact Andrew Sakamoto (604-255-3099 ext. 222 / andrew@tenants.bc.ca) or Zuzana Modrovic (604-255-3099 ext. 228 / zuzana@tenants.bc.ca).

Yours Sincerely,



Zuzana Modrovic
Housing Clinic Lawyer



Andrew Sakamoto
Executive Director

CC: Kathy Elder, Executive Director, Residential Tenancy Branch
Spencer-Chandra Herbert, MLA Vancouver-West End