

File No.: 04-1000-20-2017-062

March 28, 2017

s.22(1)

Dear s.22(1)

Re: **Request for Access to Records under the Freedom of Information and Protection of Privacy Act (the "Act")**

I am responding to your request of February 14, 2017 for:

1. Any letters sent between January 1, 2016 to January 1, 2017, from the Mayor or Council to the Province that includes a request for amendment(s) to the Vancouver Charter; and
2. Any letters in reply from the Province that were received by the City between January 1, 2016 to February 14, 2017.

The Mayor's Office and the City Clerk's Office were contacted to conduct a search for responsive records.

While the records enclosed do not directly refer to a Charter amendment, they do refer to policy changes that have been considered as possible Charter changes in the past in place of Provincial legislation changes. These changes were also discussed in meetings with Minister Rich Coleman in 2016.

Regardless, to ensure complete accuracy, we are advising that your request be more specific in terms of a shorter date scope, specific meeting, and/or pertaining to a specific topic. To date, the City does not have the ability to track correspondence by "request for amendment" without having to review each and every letter.

Under section 52 of the Act you may ask the Information & Privacy Commissioner to review any matter related to the City's response to your request. The Act allows you 30 business days from the date you receive this notice to request a review by writing to: Office of the Information & Privacy Commissioner, info@oipc.bc.ca or by phoning 250-387-5629.

If you request a review, please provide the Commissioner's office with: 1) the request number assigned to your request (#04-1000-20-2017-062); 2) a copy of this letter; 3) a copy of your original request for information sent to the City of Vancouver; and 4) detailed reasons or grounds on which you are seeking the review.

Please do not hesitate to contact the Freedom of Information Office at foi@vancouver.ca if you have any questions.

Yours truly,



Barbara J. Van Fraassen, BA
Director, Access to Information

Barbara.vanfraassen@vancouver.ca
453 W. 12th Avenue Vancouver BC V5Y 1V4
Phone: 604 .873.7999
Fax: 604.873.7419

Encl.

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Ref: 21049

His Worship Gregor Robertson
Mayor of the City of Vancouver
453 West 12th Avenue
Vancouver BC V5Y 1V4

Dear Mayor Robertson:

I am responding to your April 12, 2016 letter addressed to Premier Christy Clark, and to me regarding Vancouver's housing market and recommendations for amendments to the *Residential Tenancy Act*. As Minister Responsible for Housing, I am pleased to respond.

Vancouver is a vibrant and desirable city for many long-term and newer property owners and tenants and has faced many challenges in recent years in balancing growth and the needs and interests of developers, owners and tenants. I appreciate the significant amount of work undertaken by the City of Vancouver to protect tenants, mitigate tenant displacement and protect the existing stock of rental housing.

Your letter recommends changes to the *Residential Tenancy Act* focused on four priority actions arising from the City of Vancouver Renter's Advisory Committee (RAC) Rental Recommendations report presented to Vancouver City Council in November 2015. I am pleased to tell you that we have already addressed a number of recommendations from the report, such as the ability for tenants to end a lease early when they are fleeing family violence.

I understand that Residential Tenancy Branch staff have met with City staff on a number of occasions to discuss issues of mutual concern, including recommendations made by the Renter's Advisory Committee. I trust those conversations will be ongoing and collaborative.

Thank you for writing.

Sincerely yours,

Rich Coleman
Minister and Deputy Premier

pc: Honourable Christy Clark
Premier

Minister of Natural Gas Development
Minister Responsible for Housing
and Deputy Premier

Office of the Minister

Mailing Address:
PO Box 9052, Stn. Prov. Govt
Victoria, BC V8W 9E2
Phone: 250 953-0900
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We watch over the land and sea and in turn they watch over us.

April 12, 2016

The Honourable Christy Clark
Premier's Office
West Annex, Parliament Buildings
Victoria, B.C. V8V 1X4

The Honourable Rich Coleman
Minister of Natural Gas Development and
Minister Responsible for Housing and
Deputy Premier
Room 128, Parliament Buildings
Victoria, B.C. V8V 1X4

Dear Premier Clark and Minister Coleman,

Re: Immediate Action Needed to Protect Tenants from Displacement

The pressure on Vancouver's housing market, including historic high home prices and rates of development, have meant significant challenges for the city's renters, who make up over 50% of Vancouver's population. Low vacancy and availability of housing have led many renters to pay more than they can afford on rent, with 35% of renters in Vancouver paying over 30% of their income on rent. Housing pressures have also made it hard for tenants to find housing that meets their needs.

These challenges are even greater for tenants who are evicted due to redevelopment or renovation of their building. Tenants displaced from their homes may face significant challenges finding new accommodations to rent in their neighborhood that meets their space, size, and personal needs, all at a rent they can afford. It is clear that while renovation and redevelopment are critical to renewing and maintaining the city's rental stock, these activities are also disruptive and can have major impacts on tenants.

In response, the City has increased and expanded its protections for tenants displaced by redevelopment and major renovations. The City also has policies and regulations in place to protect the existing stock of rental housing and mitigate the issue of tenant displacement, including the Rental Housing Official Development Plan and the SRA Bylaw. Staff have also helped to secure access to Residential Tenancy Branch staff for Vancouver's renters and landlords through the funding of an RTB office at 390 Main Street.

While the City is doing what it can to minimize the incidence and impact of relocations, most of the legal protections for landlords and tenants fall under the jurisdiction of the Province through



the Residential Tenancies Act. As a result, changes to the RTA to enhance tenant protections are likely to have the greatest impact. In December 2014, Council established the Renter's Advisory Committee (RAC) to advise on strategic priorities relating to renters. On March 24, 2015, Council approved a motion directing the RAC to provide recommendations for immediate Council advocacy related to the RTA, which were presented to Council on November 17, 2015.

The changes recommended by the RAC to the RTA, if implemented, would increase the clarity, effectiveness, and fairness of the Province's tenant rights framework. The RAC's recommendations are also in line with the objectives outlined in the City of Vancouver's Housing and Homelessness Strategy of increasing support to renters, preventing homelessness, and taking a leadership role with local, regional, and provincial partners. Among the reforms suggested by the RAC, the City of Vancouver has identified four priority actions that would enhance the RTA's capacity to preserve stable and affordable tenancies and help to prevent displacement due to redevelopment and renovations:

1. **Prevent Significant Rent Increases for Tenants with Fixed-Term Leases:** There has been growing attention in Vancouver on an observed increase in the use of fixed-term lease agreements in purpose-built rental apartments. City staff has also observed an increase in the use of fixed-term lease agreements, and share the concern that the leases are being used by some landlords to evade annual allowable rent increases set by the RTA.

City staff also recognize that fixed term tenancies serve a purpose in the rental market, and support reforms that retain the availability of fixed term leases for landlords and tenants, while also ensuring safeguards are in place to prevent abuse. Both City staff and the Renters' Advisory Committee recommend that the RTB amend fixed-term tenancy agreements to either prevent significant rent increases upon renewal or revert to month-to-month tenancies after a prescribed number of renewals.

2. **Improve Protection to Tenants from Evictions resulting from Renovations:** The vast majority of Vancouver's rental stock is over forty years of age, and is facing increasing need for repairs and renovations. As landlords undertake these improvements, it is critical that tenants are protected from the risk of displacement or excessive rent increases. City staff and that Renters Advisory Committee recommend an amendment to the RTA that would guarantee renters displaced due to renovations to their unit, the right of first refusal to re-occupy their unit at a rent that is no more than what the landlord could have lawfully charged (e.g including allowable annual increases) if there had been no interruption in the tenancy. This clause would bring the RTA in alignment with tenancy laws in other Canadian provinces, like Ontario, which provide tenants with the right of first refusal after renovations and limit rent increases on return in order to maintain stable, affordable tenancies after renovations.
3. **Preserve Vancouver's Most Vulnerable Housing Stock:** SRA's provide some of the lowest rents to the City's most vulnerable tenants, yet only 24% of SRA rooms currently rent at shelter assistance rates. City Staff and the Renter's Advisory Committee request that the Province amend the RTA to create a special category for SRAs that would tie rent increases to the room, as opposed to the tenant. This would stabilize the stock and slow rent increases given the higher tenant turn over in SRA buildings.



4. Encourage Preservation of the Existing Stock while Protecting Tenants: The RTA currently lacks clear guidance on how to raise rents to reflect major building improvements while maintaining stable tenancies. City Staff recommend a broad review of RTA policies governing rent increases, with an emphasis on creating avenues for reasonable rent increases to reflect the cost of structural improvements, while addressing policies that facilitate excessive rent increases or evictions. This approach could help to maximize the potential for stable tenancies, while also facilitating long-term structural improvements to preserve Vancouver's rental stock.

In addition, the City has identified two additional actions that would greatly preserve affordable and stable tenancies:

- Increase clarity around the types of permits that require units to be vacant to better protect tenants from evictions. Eviction of tenants due to renovations is an issue of significant concern. The RTA currently allows tenancies to be ended for landlord's use if all necessary permits and approvals are in place to renovate and repair rental units which require the unit to be vacant. However, the RTA is unclear about the types of permit or work that could result in a notice to end tenancy, or whether some types of work may only require temporary displacement. The current system relies on tenants to dispute a questionable eviction notice, which is problematic. Staff recommend providing clarity around the types of work that require a unit to be vacant. This would increase protection to tenants, and enable municipalities to better monitor applications through the permitting process.
- Finally, the rent supplement program, currently provided by the Province, has been critical to supporting low-income and homeless Vancouverites. We would encourage you to expand the program to assist returning tenants who want to live in the area and cannot afford CHMC local rents if they have been on fixed rent increases over a long period of time and have low to moderate incomes.

We look forward to an opportunity to discuss these recommendations and to work collaboratively with your staff to positively improve the lives of renters in our City.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregor Robertson", written over a faint, larger version of the same signature.

Gregor Robertson
Mayor, City of Vancouver