

From: "David Hutniak" <davidh@landlordbc.ca>
To: "Johnston, Sadhu" <Sadhu.Johnston@vancouver.ca>
Date: 12/3/2018 8:15:16 AM
Subject: BCNPHA and CofV Motion

Sadhu. This is the letter BCNPHA will be sending to Mayor & Council today. FYI.

David Hutniak
CEO
LandlordBC

Mayor and Council
City of Vancouver
453 West 12th Avenue,
Vancouver, BC V5Y 1V4

December 3, 2018

RE: Motion On Notice: Protecting Tenants from Renovictions and Aggressive Buy-Outs.

Dear Mayor and Council,

I am writing you in regards to the November 13, 2018 Motion On Notice entitled *Protecting Tenants from Renovictions and Aggressive Buy-Outs* to voice our shared concerns about the issue of renovictions, offer our perspective on how this motion may impact the non-profit housing sector, and offer to work closely with staff on solutions.

BC Non-Profit Housing Association (BCNPHA) is the provincial umbrella organization representing the non-profit housing sector in BC. We are comprised of over 600 members, which are primarily non-profit housing societies providing mission-driven long-term, permanent, and affordable housing. Together, non-profit housing providers manage more than 65,000 affordable homes in over 2,500 buildings across the province. A substantial proportion of this stock is in the City of Vancouver, where our members own and/or operate almost 20,000 units.

Since we first launched the Rental Housing Index in 2014, we have been tracking and monitoring the rapid escalation of rental prices and the increasing unaffordability of rental housing across the province, and now across Canada. BCNPHA shares the concerns raised in the motion that renovictions and buy-outs of older purpose-built rental stock are leading to a more precarious situation for many renters in the City of Vancouver.

At the heart of the issue, there is a chronic affordable rental housing challenge in the City, with vacancy rates consistently remaining under one percent. The renoviction issue is magnified in this context due to a lack of suitable, permanent, and affordable housing on the scope and scale that is required. Subsequently, renters cannot find alternative accommodation when faced with a renovation or redevelopment, which leads to stressful displacement, as well as makes the system more vulnerable to unscrupulous practices of a small subsection of landlords.

It is important that Council understand that this particular motion comes at a historical moment for the community housing sector, where non-profits are contending with expiring operating agreements, meaning that they will no longer be receiving ongoing operating subsidies from senior levels of government. Even without needed renovations on aging stock, the rent structures within some non-profit buildings will require adjustments in order for revenues to cover operating costs without government subsidy. With new supply programs currently rolling out, redevelopment of existing projects will be increasingly common and necessary as the City of Vancouver is landlocked. The mission-drive of non-profit housing providers is toward the greatest level of affordability possible. However, given the context of expiring operating agreements, it may not be possible to set the rents in the new rental homes at the same level as the previous homes. We urge council to fully understand the implications of this section of the motion for the non-profit sector before moving forward.

After 25 years without serious levels of investment from the Federal government and a diminishing investment from the Province, we are now at a point in time where all levels of government are making significant investments into affordable housing. Applying additional regulatory hurdles and restrictions may have unintended consequences for the development of new rental housing at all points of the income continuum. With an abundance of opportunities, and two dozen municipalities in the region, non-profits will develop new affordable homes in communities that incentivize and encourage the development of affordable rental housing.

One of the key solutions to this crisis, is an abundant and healthy supply of purpose built rental housing. BCNPHA strongly believes that the community housing sector is an essential partner in addressing the issue of renovictions and buy-outs of the purpose-built stock, and we would be pleased to work with the City of Vancouver to ensure that we find workable solutions to the crisis that each year impacts more Vancouverites.

BCNPHA commends the work of Mayor and Council to understand, advocate, and lead on affordable housing issues in the province. We understand the pressing need to address the affordable housing crisis for renters in the City of Vancouver, and look forward to continuing our work together to ensure that everyone in the city has a safe, secure and affordable home.

Sincerely,

Jill Atkey
CEO

Jill Atkey
Chief Executive Officer
BC Non-Profit Housing Association
220–1651 Commercial Drive, Vancouver, BC V5L 3Y3
DIRECT 778.945.2155
TOLL-FREE (BC) 1.800.494.8859
jill@bcnpha.ca | www.bcnpha.ca

From: "Vira Prykhodko" <ViraP@petersonbc.com>
To: "Correspondence Group, City Clerk's Office" <ccclerk@vancouver.ca>
CC: "Bligh, Rebecca" <Rebecca.Bligh@vancouver.ca>
"Boyle, Christine" <Christine.Boyle@vancouver.ca>
"Carr, Adriane" <Adriane.Carr@vancouver.ca>
"Dominated, Lisa" <Lisa.Dominated@vancouver.ca>
"Kelley, Gil" <Gil.Kelley@vancouver.ca>
"Johnston, Sadhu" <Sadhu.Johnston@vancouver.ca>
"Mark Boden" <markb@PetersonBC.com>
"De Genova, Melissa" <Melissa.DeGenova@vancouver.ca>
"Fry, Pete" <Pete.Fry@vancouver.ca>
"Hardwick, Colleen" <Colleen.Hardwick@vancouver.ca>
"Kirby-Yung, Sarah" <Sarah.Kirby-Yung@vancouver.ca>
"Swanson, Jean" <Jean.Swanson@vancouver.ca>
"Wiebe, Michael" <Michael.Wiebe@vancouver.ca>

Date: 11/28/2018 4:44:28 PM

Subject: City of Vancouver Renoviction Motion

Attachments: Peterson Letter to the City Council.pdf

Dear Mayor and Council,

I am a rental property manager and I am writing you today regarding the motion before you entitled Protecting Tenants from Renovictions and Aggressive Buy-Outs. I wish to ensure that you are acutely aware of the hugely negative consequences to renters, the community, and landlords alike should this motion be passed, and I ask that you please hit "pause" and take the necessary time to undertake a thorough and objective analysis of the unintended consequences of the measures proposed therein.

Like me, you should be very concerned about the impact these proposed measures will have on the quality of existing rental stock and, perhaps more critically, the building of new rental housing (especially purpose-built rental housing) that we so desperately need for our social and economic well-being. I encourage you to reject this motion outright and take the time to really study and understand the issues and consequences of what is being proposed. Please take the time to seek well-considered and appropriate solutions through consultation with housing experts and economists. Reach out to our industry through LandlordBC. You simply cannot afford to get this wrong because the stakes are far too high.

I am especially concerned about the motion proposing vacancy control, *the tying of rent controls to the rental unit*. Vacancy control would, for all intents and purposes, negate the financial viability of a landlord's rental business in British Columbia. Furthermore, vacancy control would spell the end of new purpose-built rental construction in BC at a time when we are finally starting to see some new rental housing being built in the City of Vancouver and in other communities across the province (please see UDI November 2018 Rental Builder Survey

<http://udi.bc.ca/wp-content/uploads/2018/11/Urban-Development-Institute-Rental-Builder-Survey-Backgrounder-1-1.pdf>).

Suspension of new purpose-built rental housing construction would be devastating for all our communities and further exasperate the current rental housing supply crunch. Sadly, it is the steadily growing population of renters who would ultimately suffer the most.

Please take the time to step back and really understand the issues and the potential solutions. Reject this motion in its entirety. Thank you for your leadership in this regard.

Regards,

Vira Prykhodko
Senior Property Manager

Peterson COMMERCIAL

1701 - 1166 Alberni Street, Vancouver, BC. Canada V6E 3Z3
D 604 699 5261 | E ViraP@petersonbc.com | T 604 688 4885 | F 604 688 3245 | www.petersonbc.com



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November 28, 2018

Mayor & Council
City of Vancouver
Sent via email: ccclerk@vancouver.ca

Motion: Protecting Tenants from Renovictions and Aggressive Buyouts

Dear Mayor and Council,

I am a rental property manager I am writing you today regarding the motion before you entitled *Protecting Tenants from Renovictions and Aggressive Buy-Outs*. I wish to ensure that you are acutely aware of the hugely negative consequences to renters, the community, and landlords alike should this motion be passed, and I ask that you please hit “pause” and take the necessary time to undertake a thorough and objective analysis of the unintended consequences of the measures proposed therein.

Like me, you should be very concerned about the impact these proposed measures will have on the quality of existing rental stock and, perhaps more critically, the building of new rental housing (especially purpose-built rental housing) that we so desperately need for our social and economic well-being. I encourage you to reject this motion outright and take the time to really study and understand the issues and consequences of what is being proposed. Please take the time to seek well-considered and appropriate solutions through consultation with housing experts and economists. Reach out to our industry through LandlordBC. You simply cannot afford to get this wrong because the stakes are far too high.

I am especially concerned about the motion proposing *vacancy control*, the tying of rent controls to the rental unit. Vacancy control would, for all intents and purposes, negate the financial viability of a landlord’s rental business in British Columbia. Furthermore, vacancy control would spell the end of new purpose-built rental construction in BC at a time when we are finally starting to see some new rental housing being built in the City of Vancouver and in other communities across the province (please see UDI November 2018 Rental Builder Survey

<http://udi.bc.ca/wp-content/uploads/2018/11/Urban-Development-Institute-Rental-Builder-Survey-Backgrounder-1-1.pdf>).

Suspension of new purpose-built rental housing construction would be devastating for all our communities and further exasperate the current rental housing supply crunch. Sadly, it is the steadily growing population of renters who would ultimately suffer the most.

In closing, I wish to reiterate that the stakes are very high as you consider this motion. Please take the time to step back and really understand the issues and the potential solutions. Reject this motion in its entirety. Thank you for your leadership in this regard.

Sincerely,

PETERSON COMMERCIAL PROPERTY MANAGEMENT INC.

Per:

A handwritten signature in black ink, appearing to read 'V. Prykhodko', followed by a horizontal line.

Vira Prykhodko
Senior Property Manager
Direct Phone #: 604-699-5261
Email: virap@petersonbc.com

From: ["David Sander" <david@hollyburn.com>](mailto:david@hollyburn.com)

To: ["Stewart, Kennedy" <Kennedy.Stewart@vancouver.ca>](mailto:Kennedy.Stewart@vancouver.ca)
["Bligh, Rebecca" <Rebecca.Bligh@vancouver.ca>](mailto:Rebecca.Bligh@vancouver.ca)
["Boyle, Christine" <Christine.Boyle@vancouver.ca>](mailto:Christine.Boyle@vancouver.ca)
["Carr, Adriane" <Adriane.Carr@vancouver.ca>](mailto:Adriane.Carr@vancouver.ca)
["Dominato, Lisa" <Lisa.Dominato@vancouver.ca>](mailto:Lisa.Dominato@vancouver.ca)
["De Genova, Melissa" <Melissa.DeGenova@vancouver.ca>](mailto:Melissa.DeGenova@vancouver.ca)
["Fry, Pete" <Pete.Fry@vancouver.ca>](mailto:Pete.Fry@vancouver.ca)
["Hardwick, Colleen" <Colleen.Hardwick@vancouver.ca>](mailto:Colleen.Hardwick@vancouver.ca)
["Kirby-Yung, Sarah" <Sarah.Kirby-Yung@vancouver.ca>](mailto:Sarah.Kirby-Yung@vancouver.ca)
["Swanson, Jean" <Jean.Swanson@vancouver.ca>](mailto:Jean.Swanson@vancouver.ca)
["Wiebe, Michael" <Michael.Wiebe@vancouver.ca>](mailto:Michael.Wiebe@vancouver.ca)

CC: ["Correspondence Group, City Clerk's Office" <ccclerk@vancouver.ca>](mailto:ccclerk@vancouver.ca)
["Kelley, Gil" <Gil.Kelley@vancouver.ca>](mailto:Gil.Kelley@vancouver.ca)
["Johnston, Sadhu" <Sadhu.Johnston@vancouver.ca>](mailto:Sadhu.Johnston@vancouver.ca)

Date: 11/30/2018 9:09:38 AM

Subject: Council Motion: Protecting Tenants from Renovictions and Aggressive Buyouts

Attachments: SKMBT_C22418113009090.pdf

Dear Mayor Stewart and Council,

Please find attached for your consideration a short discussion outlining our concerns with above noted council motion.

Best regards,
David Sander

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Building Rental Communities Since 1975.

David Sander MSc | *Director*

E: david@hollyburn.com | www.hollyburn.com

T: 604.662.7346 ext 103 | F: 604.662.7355

Vancouver > Calgary > Toronto > Ottawa

[Facebook](#) | [Twitter](#) | [LinkedIn](#) | [Instagram](#)



HOLLYBURN
PROPERTIES LIMITED



November 30, 2018

Mayor Stewart and Council
City of Vancouver
453 W 12th Ave
Vancouver, BC V5Y 1V4

Dear Mayor and Council,

RE: Motion 12 on the November 28, 2018 Council Meeting Agenda

Hollyburn Properties Limited is a leading national rental housing provider serving over 10,000 residents in four cities across Canada. In British Columbia, we are one of the largest owners and operators of purpose-built rental housing, proudly operating for 43 years. We specialize in both the development and long-term management of multi-family rental apartment communities and are honored to be a part of many great neighbourhoods in Vancouver. We write to you regarding the regional housing crisis and the motion moved by Councillor Swanson, titled: *Protecting Tenants from Renoviction and Aggressive Buyouts*.

Hollyburn recognizes that there is a rental housing crisis underway in Vancouver. We understand that virtually everyone will live in rental housing at some point in their lives, and therefore, this crisis affects us all. A rental supply shortage impacts the mobility of our workforce, which distresses small business and the economy; it also forces families and individuals into sub-standard housing. Worse, it is contributing to the increase of homelessness in the city. It is clear that proceeding with the status quo is not a viable option for ending this crisis; in turn, the margin of error from our policy makers is now razor thin if we are to return to an affordable rental housing market. This is why we write.

As the City is aware, the Province is presently reviewing the Residential Tenancy Act. Hollyburn believes coordination between different levels of government is crucial to avoid potentially detrimental unintended consequences, and to ensure that rental development is feasible and encouraged, as the Province and the City of Vancouver have indicated they would like to see. Therefore, we ask that Motion 12 be deferred until after the review of the Residential Tenancy Act has been completed by the Province.

If Motion 12 is not deferred, we believe there are several elements that have the ability to devastate the City's rental housing stock to the long-term detriment of rental property owners and renters alike. For example, vacancy control will dramatically reduce both new rental development and significantly investment into building repairs and maintenance. This will happen at precisely the same time as most buildings in the city reach and surpass the end of their intended lifecycles, posing catastrophic results. The vast majority of these buildings are over 50 years old and owned by small business owners with limited resources. Moreover, the fact that the City of Vancouver is even considering vacancy control as an option serves to undercut the private sector's confidence in the stability of the political arena in which we contemplate massive long-term rental investment and is itself a deterrent to rental development.

To further this conversation, if any member of Council or Senior City Staff would like to tour rental properties in the City of Vancouver to gain further insight into the nature and condition of our City's rental housing stock, Hollyburn would be more than happy to arrange a tour.

» HOLLYBURN.COM

VANCOUVER

1650 Alberni St, Vancouver, BC
T: 604.662.7345 | F: 604.662.7355

CALGARY

815 4th Ave SW, Calgary, AB
T: 403.265.0100 | F: 403.234.7281

TORONTO

20 Prince Arthur Ave, Toronto, ON
T: 416.923.5945 | F: 647.346.2754

OTTAWA

235 Bgy St, Ottawa, ON
T: 613.235.0342 | F: 613.235.0345



HOLLYBURN
PROPERTIES LIMITED



Best Regards,

David Sander
Director, Hollyburn Properties Limited
Chair, UDI Rental Housing Committee

» **HOLLYBURN.COM**

VANCOUVER

1650 Alberni St, Vancouver, BC
T: 604.662.7345 | F: 604.662.7355

CALGARY

815 4th Ave SW, Calgary, AB
T: 403.265.0100 | F: 403.234.7281

TORONTO

20 Prince Arthur Ave, Toronto, ON
T: 416.928.3745 | F: 416.928.2754

OTTAWA

235 Bay St, Ottawa, ON
T: 613.235.0342 | F: 613.235.0345

From: ["Fry, Pete" <Pete.Fry@vancouver.ca>](mailto:Pete.Fry@vancouver.ca)

To: ["Johnston, Sadhu" <Sadhu.Johnston@vancouver.ca>](mailto:Sadhu.Johnston@vancouver.ca)

Date: 12/4/2018 12:29:40 PM

Subject: FW: Amendement to amendment on B-10

FYI

Adriane suggested perhaps you hadn't seen the Amendment I proposed to Renoviction

Amendement to earlier supplied amendment

Requesting Add To Renoviction motion B-10

s.13(1)

From: Hildebrandt, Tina

Sent: Wednesday, November 28, 2018 7:26 PM

To: Stewart, K; Councillors - DL

Cc: Hagiwara, Rosemary

Subject: NEW MOTIONS/AMENDMENTS: Standing Committee on Policy and Strategic Priorities - November 28th

Good evening Council –

This is a reminder to email any new motions or amendments to myself and Rosemary Hagiwara, Deputy City Clerk.

Thanks

TINA HILDEBRANDT | MEETING COORDINATOR

CITY CLERK'S DEPARTMENT | CITY OF VANCOUVER

604-873-7268 | TINA.HILDEBRANDT@VANCOUVER.CA

From: ["David Hutniak" <davidh@landlordbc.ca>](mailto:davidh@landlordbc.ca)

To: ["Monckton, Neil" <Neil.Monckton@vancouver.ca>](mailto:Neil.Monckton@vancouver.ca)

CC: ["Johnston, Sadhu" <Sadhu.Johnston@vancouver.ca>](mailto:Sadhu.Johnston@vancouver.ca)

Date: 11/29/2018 9:54:57 AM

Subject: FW: Motion: Protecting Tenants from Renovictions and Aggressive Buyouts

Neil,

This is an email from a **non-profit housing provider**. I think this pretty much sums up the issue in regard to the motion before council. I hope you will share this directly with the Mayor. Thank you.

David

From: Crescent Housing GM <crescenthousinggm@gmail.com>

Sent: November-29-18 9:08 AM

To: cclerk@vancouver.ca

Cc: s.22(1) Jill Atkey <Jill@bcnpha.ca>; David Hutniak <davidh@landlordbc.ca>

Subject: Motion: Protecting Tenants from Renovictions and Aggressive Buyouts

Dear Mayor and Council
City of Vancouver,

As a not-for-profit housing Society, member of BC Non-Profit Housing Association and Landlord BC we provide affordable safe rental housing to independent seniors and people with disabilities.

For sixty years we have provided rents at affordable prices to people with low and very low incomes.

We always have to balance keeping rents affordable while paying our mortgage, taxes, utilities, maintenance and administration costs.

As our buildings age the cost to repair and replace major components, such as heating, flooring, fridges, stoves, etc. continue to increase.

While we support the idea of regulating annual rent increases as per past practices of the Residential Tenancy Branch, we cannot support wholesale vacancy or rent controls for one very practical reason.

We can not control most of our operating costs such as taxes, hydro, natural gas costs, interest rates, increasing maintenance costs, cost of living increases for staff, etc.

Any thought of having each and every landlord who wants to do even a modest annual rent increase justify the reasons to government, at any level, is impractical to the point of being absurd.

Passing this motion will have several negative impacts. Construction of badly needed new rental housing will evaporate. Existing landlords who don't care, or who are already financially strapped, will stop needed maintenance: and rental stock will deteriorate.

Tenants in Vancouver will look to Surrey, where we are. Surrey already has its own rental housing shortage. Also, if this motion passes, we greatly fear that other cities, such as Surrey, may consider such action, with the resulting bad outcomes.

Board of Directors
Crescent Housing Society

--

Lesley Tannen, GM
Crescent Housing Society
Owner Operators of
Kiwaniis Park Place
12850 26th Avenue,
Surrey, BC V4P 1S1
c.c. Landlord BC
c.c. BC Non-Profit Housing Association

From: "Johnston, Sadhu" <Sadhu.Johnston@vancouver.ca>

To: "Direct to Mayor and Council" - s.15(1)(l)

CC: "City Manager's Correspondence Group" - s.15(1)(l)

"Connell, Francie" <francie.connell@vancouver.ca>

"Krishna, Kaye" <Kaye.Krishna@vancouver.ca>

"Singh, Sandra" <Sandra.Singh@vancouver.ca>

"Kelley, Gil" <Gil.Kelley@vancouver.ca>

"Garrison, Dan \ (COV)" <Dan.Garrison@vancouver.ca>

Date: 11/14/2018 3:26:48 PM

Subject: Memo - Motion on Protecting Tenants from Renovictions and Agressive Buy-Outs

Attachments: PDS - Housing Vancouver - Submission to BC Rental Housing Task Force.pdf

Memo to Mayor and Council - Motion on Protecting Tenants from Renovictio....pdf

Greetings Mayor and Council,

Please see the attached memo from Gil Kelley, GM of Planning, Urban Design, and Sustainability. A brief summary is as follows –

- ☐ This memo provides information in relation to Motion B10 regarding Protecting Tenants from Renovictions and Aggressive Buyouts.
- ☐ The memo outlines the jurisdiction of the City of Vancouver and the Province of British Columbia regarding the regulation of tenancies and of development and building as it relates to the Motion on Notice.
- ☐ The memo further outlines the City of Vancouver's policies and actions with regard to renter protection, including providing the City's recent submission to the BC Rental Housing Task Force.

Should you have any questions, please contact Dan Garrison, Assistant Director of Housing Policy and Regulation at 604.673.8435 / Dan.Garrison@vancouver.ca.

Best,
Sadhu

Sadhu Aufochs Johnston | City Manager
City of Vancouver | 453 W 12th Avenue
Vancouver | BC V5Y 1V4
604.873.7627 | Sadhu.johnston@vancouver.ca
Twitter: sadhuajohnston



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November 14, 2018

BC Rental Housing Task Force
BC Legislature
Victoria, BC
V8V 1X4

Dear MLA Spencer Chandra-Herbert; MLA Adam Olsen; and MLA Ronna-Rae Leonard

RE: City of Vancouver Comments to the Rental Housing Task Force

Renters in BC communities are facing a crisis. In Vancouver, renters face a vacancy rate below one per cent and a rising average rent level across the City, with CMHC reporting rent increases above the RTA allowable maximum for the past several years. Even more concerning are the lived experiences behind these numbers – renter households spending a growing share of their income on housing costs instead of other necessities, or fearing eviction because of the limited alternatives in the neighborhoods they call home.

However, in spite of these challenges the number and share of renters in BC cities is increasing, reflecting the rising cost of ownership and the need for mobility to pursue work or education. Rental housing has become critical infrastructure for supporting the local economy and a diverse population. Municipalities are taking action to protect existing rental housing and create new rental, resulting in significant growth in our private rental stock for the first time in decades. Private landlords have taken on the responsibility of providing safe, secure housing for a growing share of our population. These trends underscore the importance of a fair and equitable framework for landlord and renter rights and responsibilities in BC.

The City of Vancouver applauds the BC government for appointing the Rental Housing Task Force to examine the current policy context for renters and landlords, and identify opportunities for reform and renewal. We welcome the opportunity to provide written comments to the Rental Housing Task Force in addition to our in-person presentation earlier this month. The City is in a unique position to comment – similar to the BC government, we face the challenge of protecting renters and vulnerable residents, while also working with landlords and the development industry to encourage investment in existing and new rental housing.

Our feedback is framed around key opportunities for the Rental Housing Task Force to address the issue of balance between security of tenure for renters and the need for reinvestment in and redevelopment of existing rental housing. The RTA is responsible for facilitating this balance, as well as additional policy opportunities for the Province, federal government, and municipalities. Our comments are related primarily to purpose-built rental housing, given its crucial role in providing secure, long-term tenancies for existing renters in the City of Vancouver. Secondary rental housing – including basement suites and rented strata – is also an important source of rental housing in the city, accounting for up to 50% of rental accommodation in the city by some estimates. However, the nature of the landlord-renter relationship in these cases means that this housing is fundamentally less secure than purpose-built rental housing. Our

focus continues to be protecting and expanding the stock of purpose-built rental housing and advocating for supports for all renters.

Opportunity 1: In the case of minor renovations that may not require renter displacement, ensuring clarity in the Notice to End Tenancy for renovations to prevent unnecessary evictions

When we consult with Vancouver renters about their housing challenges, one of the top concerns we hear is the risk of being evicted due to minor renovations to their unit or building, with the primary motive being to turn over the unit and increase rents up to new market levels. The significant increase in market rents in recent years has created an environment where unit turnover can mean significant yield for owners, and low rental vacancy rates make for relative ease in finding new tenants willing to pay new, higher rents. We hear about these cases most often when a rental property is sold to a new owner. Whereas long-term property owners typically favour maintaining stable tenancies, new owners may look to unit turnover as a way to raise revenues on a new investment.

At the City, we understand the importance of providing landlords with a means to vacate suites to do certain critical upgrades that are too invasive to be done with tenants in the unit. Recommendations regarding these types of upgrades are discussed in Section 2, below. As demonstrated in a recent consultant study prepared for the City of Vancouver, however, most of the structural upgrades and energy retrofits required in wood-frame rental buildings as part of regular or long-term maintenance are regularly undertaken in strata with residents in place or with only short-term, temporary displacement. It is possible that many needed current and future renovations could be undertaken with stable tenancies in place, without displacing existing renters.

The current RTA landlord-renter framework should provide greater clarity for both landlords and renters about the type of upgrades that actually require suites to be vacated. Guidelines recently issued by the Residential Tenancy Branch clarify that the intent of the RTA is to ensure consistent tenancies and only enable evictions when work cannot be done without the unit being vacated. However, there is no specific guidance on the types of work that may or may not require a unit to be vacated, and final judgement is often left to arbitrators only after a notice has been issued. The absence of a clear standard has created uncertainty both on the side of renters and owners.

Recommendations:

In the context of the current housing crisis, maintaining stable tenancies is key to ensuring affordability and quality of life for existing renters. This principal carries over to the issue of how to structure the legal framework for ending tenancies for renovations. The following recommendations suggest opportunities to clarify and enhance the RTA in order to minimize displacement of renters due to renovations.

- **Recommendation 1: Provide clear guidelines regarding renovations or repairs that do not require units to be vacated.** As noted above, major upgrades are often undertaken in strata and co-op type housing without permanent displacement of existing residents. The RTA should clarify the type or extent of work that can reasonably be done

while maintaining consistent tenancies, without displacing renters, such as exterior work, window replacement, and minor electrical or plumbing upgrades. The RTB could also enhance this standard by consulting with municipalities on the permit process and the various types of permits issued for typical upgrades. ,

- **Recommendation 2: Explore opportunities to clarify/modify renters' rights to quiet enjoyment** in situations where renovations are taking place with renters in the unit with the objective of preventing displacement. Some types of multi-day renovations may involve some disruption to a renter's quiet enjoyment of the property, but might otherwise be reasonably undertaken without permanent displacement. In these cases, the RTA should establish a framework whereby landlords can provide assistance with temporary accommodation, along with a guarantee that work will be done with minimal damage or disruption and in a reasonable time frame.
- **Recommendation 3: Require proof of permits as part of the Notice to End Tenancy for renovations.** At the City, we often hear from renters seeking information about permits issued for their buildings, in order to understand the basis of a Notice to End Tenancy for renovation or to support a complaint being filed with the Residential Tenancy Branch. The City has taken action to facilitate this process, including waiving fees for file research requests submitted by a tenant or non-profit advocates to provide documents that are required to meet obligations of the Residential Tenancy Branch. However, considerable clarity could be introduced to the Notice by requiring proof of permits (such as specific permit numbers and proof of issuance) as part of the Notice to End Tenancy for renovations.

Opportunity 2: In the case of major renovations requiring temporary or permanent renter displacement, ensuring that the RTA prioritizes stable tenancies and provides adequate support for renters

Over half (52%) of Vancouver's purpose-built rental buildings were constructed between 1950 and 1980s, meaning a significant proportion of our rental housing will begin reaching fifty to seventy years of age in coming years. This is also the case in other major BC municipalities. These buildings will likely require major fire, safety, seismic, structural, and energy-efficient retrofits in coming decades. As noted above, some of these upgrades may be sufficiently invasive so as to require units to be vacated. In some cases, it may be preferable to fully redevelop existing rental buildings, particularly when redevelopment would result in a net increase in rental units. In all of these cases, under the current RTA framework this means the potential for significant disruption and dislocation of existing renters in coming years.

Under the current RTA, renters are provided four months' notice and one month of free rent when they are required to vacate for landlord's use for renovations, demolition, or conversion. We have heard from renters that this level of assistance is far from sufficient to cover the costs required to move and transition to a new home, particularly if they are currently paying low rents. Renters recently gained the right of first refusal to return to their renovated building if they are displaced; however, the right of first refusal guaranteed under the RTA does not come with affordability requirements, which may limit its viability for existing renters.

In cases where purpose-built rental is being renovated or redeveloped under a development permit (e.g. work requiring reconfiguration of existing unit layouts, adding height or density, or demolition) in the City of Vancouver, renters may be eligible for additional assistance and support under the City's Tenant Relocation and Protection Policy, including up to 6 months' free rent. The policy also requires that renters are guaranteed the right of first refusal to return to a replacement unit, at a 20% discount below new market rents. However, the City's policy does not cover work happening under building permits only - which cover a broad scope of types of work for buildings with varying impacts on existing renters.

Ensuring a safe, resilient rental stock and expanding the supply of rental housing are both key priorities for the City; however, the trade-offs are significant. In the context of today's high rents and extremely low rental vacancy, displacement can mean serious challenges for renter households who relied on affordable rents in their existing units in order to stay in the City. Many renters – particularly seniors, families, and people earning lower incomes – find they are unable to find a suitable replacement home when they are displaced. On the other side, we hear from landlords who report that they face challenges financing major repairs and retrofits with existing rental revenue, and that the RTA provides only limited opportunity to raise rents for emergency repairs.

Recommendations

The feedback we have heard from renters and landlords in the City suggests that the RTA is not structured appropriately to facilitate the broad-scale renewal of the existing rental stock that we can expect in coming decades while protecting existing renters. The following recommendations suggest several approaches to adapting the RTA to suit the modern context – some of which would be easily adaptable within the current system, and others which are modeled off of alternative systems in the US, but which may be useful models for reform. These requirements could be scaled back for individual homeowners renting two or fewer units, reflecting the additional burden these requirements would pose for non-professional landlords.

- **Recommendation 1: Require additional compensation and a more robust right of first refusal for renters under the Notice to End Tenancy for renovations.** Landlords managing two or more units should be required to provide additional compensation to renters receiving a Notice to End Tenancy for renovation, with additional months' rent provided based on economic need or based on length of tenancy as is currently done by the City. This assistance should also include a Right of First Refusal to a unit in the new or renovated building at a discounted rent level below market.
- **Recommendation 2: Work with municipalities to coordinate municipal and community supports for renters and landlords.** Municipalities and community-based organizations, including advocates, play a crucial role in supporting renters with understanding their rights when they are facing and providing clarity to landlords on their rights and responsibilities. The City of Vancouver has taken steps in this respect by hiring a new Renter Advocacy and Services officer, who will focus on meeting renter needs and maximizing external partnerships with existing renter serving organizations and advocacy groups. There should be a corresponding resource on the Provincial side to coordinate with municipalities, community groups, and advocates to ensure adequate community-based supports for renters.

- **Recommendation 3: Explore alternative models for facilitating major building renewal in other cities.** Several North American cities have significantly more comprehensive systems for regulating and overseeing renewal of existing rental buildings while protecting existing tenants. In Los Angeles, for instance, the municipal government has the authority to require robust plans for conducting work while keeping tenants in place, allowing modest and controlled rent increases to reflect the cost of additional work on condition that the work does not require tenant displacement. These models are based on a different framework for state/municipal authority than what currently exists in BC. However, we believe there are aspects of these approaches that could be embedded in the RTA and/or municipal charters, in order to create a more robust framework for rental improvement.

Opportunity 3: Supporting landlords with needed upgrades in existing rental housing

Even with the current increase in senior government investment in social and supportive housing, the vast majority of affordable purpose-built rental in Vancouver is owned and managed by private landlords. In this context, existing private rental owners are key stakeholders in the discussion regarding how to protect, renew and expand the existing rental stock, and are ultimately the key actors responsible for maintenance and upgrade of existing rental buildings. As part of our work to understand the future needs of existing rental housing, the City undertook consultation with twenty rental owners as part of the City-commissioned rental reinvestment study, as well as conversations with several rental owners and LandlordBC.

Through this consultation, we learned that most landlords undertake renewals on an as-needed basis, with some indicating that they have a longer-term capital plan for renewals. Several noted a preference to undertake as many renewals as possible with minimal disruption to existing tenancies; however, some landlords also noted that more comprehensive renewals projects (e.g. a major modernization of a building after a recent sale) may not be economically feasible or desirable without displacement of existing renters. Landlords agreed that government incentives would be welcome and effective tools for encouraging renovations in existing rental, and urged the City and senior government to work with landlords on future initiatives.

Based on what we learned through consultation with landlords and renters, City staff have committed to exploring opportunities to encourage renewal of existing rental. This includes a new pilot initiative with LandlordBC to support landlords with building condition assessments, energy audits, and long-term capital planning, as well as sharing information about how to work with existing renters through the renewal process. We see other municipalities like the City of Victoria also launching pilots with the same objective of ensuring a resilient rental stock for the future while minimizing renter displacement.

There is a key role in this work for partnerships between municipalities, the province, and federal government. We have already seen important steps from the province in assisting cities with protecting existing rental and renters and creating and securing new rental housing, particularly the recent legislation giving municipalities authority to zone for rental tenure, recent RTA changes, and the Rental Housing Task Force. At the federal level, there is a proposed National Housing Benefit that could provide housing assistance to as many as 300,000

households across Canada, as well as significant funding for reinvestment in existing non-market rental housing.

Recommendations:

In addition to potential policy options for the City to explore, there are a broad suite of policy options that senior governments could pursue in order to create an environment that is more encouraging of critical renewals in existing purpose-built rental housing. Many of these options have been the focus of advocacy by major stakeholder groups, including LandlordBC, the Canadian Federation of Apartment Associations, and the Federation of Canadian Municipalities. Several suggested options are outlined below, including considerations for policy evaluation and implementation.

- **Recommendation 1: Promote long-term capital planning and energy assessments in existing rental.** Through our work understanding the future needs of the City's rental stock, we learned that a key barrier to renewing existing rental is a limited knowledge and/or capacity among smaller landlords to undertake long-term capital planning and energy benchmarking for buildings they own. A long-term capital and financial plan, when coupled with an assessment of the condition of major building systems and an energy assessment, can reduce deferral of major capital expenditures and facilitate planning and implementation of major projects and energy-efficient retrofits. The province could support this work through initiatives such as encouraging building condition assessments in purpose-built rental buildings, similar to what is currently required for strata, with the addition of energy assessments to promote energy efficient retrofits.
- **Recommendation 2: Consider opportunities to support landlords with the cost of major upgrades and energy efficiency improvements.** An additional finding from our work on rental housing renewal is that significant expenditures on major systems, such as building envelope upgrades, almost always require financing and may not be feasible for owners who are averse to taking on debt or adding to high existing financing costs. There may be opportunities for senior government to support landlords with the cost of major upgrades, such as financing, tax incentives, and/or grant assistance to support needed capital upgrades and energy-efficient retrofits, conditioned on maintaining affordability and/or minimizing renter displacement
- **Recommendation 3: Explore options for transitioning existing private rental into non-profit or co-op ownership.** We heard through consultation with renter advocates and the rental industry that securing the long-term affordability of existing rental may require transitioning this housing to non-market housing. There may be opportunities to transition rental buildings to non-profit or co-op ownership when the existing private owner chooses to sell, by reducing or waiving capital gains taxes upon sale of an existing rental property if it is transferred into ownership by a non-profit housing society.

Opportunity 4: Enhance Support for Renters in Low-Income Housing and Single-Room Occupancy Hotels

For Vancouver's poorest and most socially excluded renters, the housing affordability crisis weakens security of tenure, decreases rental housing options and increases their risk of homelessness. Single-room occupancy hotels (SROs) unfortunately continue to play a critical role in Vancouver's low-income rental housing stock as a last resort before homelessness. Over 7,000 renters are currently living in SROs, approximately 4,000 of which are still privately-owned. Longstanding Council policy is to replace all SROs with self-contained social housing designated for singles on a one-for-one basis in order to maintain housing availability for low-income residents. The While new replacement social and supportive housing is being created, the increasing demand from low-income renters for affordable housing mean that maintaining the existing SROs and improving living conditions for renters is a priority for the City.

As recently witnessed with the emergency closure of the Balmoral and Regent Hotels, due to decades of underinvestment and mismanagement by the building owners many SROs are rapidly nearing the end of their life cycles. The outdated housing form compromise renters' safety and dignity with small rooms and shared bathrooms and kitchens. However, upgrading ageing SROs while keeping rents affordable remains an impossible challenge without additional investment and subsidies, and private SROs are increasingly at risk of closure, sale or disinvestment, on the one hand, and loss of affordability and renter displacement on the other. The situation is further compounded by the high number of renters in SROs who need more adequate supports to address mental health and substance use challenges. Where disinvestment and a lack of supports is coupled with poor management practices, criminal activity, and a lack of owner responsiveness, the health and safety of renters, particularly women, is compromised.

Recommendations

The City's ten year housing strategy includes actions over the next ten years to meet the most urgent need, particularly for poor renters in the worst SRO buildings. These include support for provincial action on a poverty reduction plan and expansion of health and social supports in private SRO buildings, as well as enhanced RTA protections for residents of private SROs.

- **Recommendation 1: Work with partners on policy innovation and reform in areas of supported employment, income supports and connections to meaningful activity**, including advocacy for an increase in the income assistance rate, tying income assistance to cost of living indexes, and increasing the cut-off before benefits are affected by income; innovative use of income support programs; an expanded rent supplement program; affordability and accessibility of services; and targeted actions to promote equity for all residents.
- **Recommendation 2: Enhance RTA protections for residents of single-room accommodation properties including private SROs**, including rent increases tied to the room instead of to the tenant in order to prevent loss of housing affordable to low-income renters; and strengthening enforcement of rent control requirements.
- **Recommendation 3: Work with municipalities to coordinate municipal and community supports for low-income and vulnerable renters.** Municipalities and community-based

low-income organizations, including low-income housing advocates, can play a crucial role in supporting the most marginalized renters with understanding their rights when they are facing eviction. The City of Vancouver's, new Renter Advocacy and Services officer will focus on coordinating partners to meet the needs of low-income and marginalized renters. There should be a corresponding resource on the Provincial side focussed on the needs of this group of renters.

Conclusion

For our landlord-renter legal framework to succeed over time, it must be amenable to change to reflect the changing needs of renters, rental owners, and the rental stock over time. Our recommendations are designed to position the City of Vancouver and all of BC's cities in building an equitable housing system to address the current housing crisis for current and future renters.

Yours truly,



Dan Garrison

Director of Housing Policy at the City of Vancouver
604.673.8435 | dan.garrison@vancouver.ca.

MEMORANDUM

November 14, 2018

TO: Mayor and Council

CC: Sadhu Johnston, City Manager
Paul Mochrie, Deputy City Manager
Lynda Graves, Administration Services Manager, City Manager's Office
Sandra Singh, General Manager, Arts, Culture and Community Services
Kaye Krishna, General Manager, Development, Building and Licensing
Francie Connell, Director of Legal Services
Rena Kendall-Craden, Civic Engagement and Communications Director
Katrina Leckovic, City Clerk
Neil Monckton, Chief of Staff, Mayor's Office
Anita Zaenker, Chief of Staff, Mayor's Office
Alvin Singh, Communications Director, Mayor's Office

FROM: Gil Kelley
General Manager, Planning, Urban Design and Sustainability

SUBJECT: Motion on Protecting Tenants from Renovictions and Aggressive Buy-Outs

Background and Context:

A growing population and economy, shifting housing preferences toward rental, and limited new supply of new purpose-built rental housing in recent decades have contributed to an extremely tight rental market in Vancouver. At 0.9 per cent, Vancouver's rental vacancy rate is among the lowest in Canada¹ - a situation that has driven increased competition for housing among renters and a significant increase in average rents in recent years. The Canada Mortgage Housing Corporation reports a 23 per cent increase in average rents across all unit types in the City of Vancouver between 2012 and 2017.²

Even as the City has approved the highest level of new purpose-built rental housing in decades, a significant share of Vancouver renters still rely on the city's older stock of purpose-built rental apartments for stable, affordable homes that allow them to access employment and education and connect with their communities. However, over half (52 per cent) of this stock was constructed between fifty and seventy years ago and is facing increased need for retrofits and upgrades in order to meet modern structural, seismic, energy, and accessibility standards.

¹ CMHC Rental Market Report 2017

² CMHC

Ensuring a safe, resilient rental stock and expanding the supply of rental housing are both key priorities for the City; however, the trade-offs are significant. In the context of today's high rents and extremely low rental vacancy, displacement can mean serious challenges for renter households who relied on affordable rents in their existing units in order to stay in the City. Many renters – particularly seniors, families, and people earning lower incomes – find they are unable to find a suitable replacement home when they are displaced. At the same time, we hear from landlords who report that they face challenges financing major repairs and retrofits with existing rental revenue, and that the RTA provides only limited opportunity to raise rents for emergency repairs.

Protections for Renters – City and Provincial Jurisdiction

In British Columbia the jurisdiction over residential tenancies has been retained by the Provincial government. Pursuant to this jurisdiction the Province has enacted the Residential Tenancy Act (the “RTA”). The RTA governs all residential tenancies in British Columbia and creates the Residential Tenancy Branch (“RTB”) whose role is to advise tenants and landlords on their rights under the RTA and provide a dispute resolution mechanism for landlord/tenant disputes. Under the RTA the RTB has exclusive jurisdiction over all residential tenancy disputes in British Columbia.

The RTA sets the basic terms for all residential tenancies and sets out the specific rights and responsibilities for both tenants and landlords, including:

- Rent increases;
- Condition inspections; and
- Ending a tenancy

With respect to the ending of tenancies for renovations or demolition the RTA sets out the requirements that all landlords must satisfy before issuing a notice to terminate tenancy for the purposes of renovating or demolishing the building. The landlord must:

- have all necessary permits for the proposed work;
- intend to undertake the proposed work in a timely manner; and
- be able to demonstrate that unit must be vacant to carry out the proposed work

Any disputes as to whether the landlord has satisfied the above requirements are settled via arbitration at the RTB. Whether or not a tenancy may continue during the course of renovations even if the unit is not occupiable for a period of time is an issue which will depend on the facts of each individual case. In appropriate circumstances an RTB arbitrator may decide that a tenancy continues during major renovations even if the tenant cannot occupy the unit. There is little guidance in either the case law or the RTA as to exactly what circumstances might result in a tenancy continuing during major renovations.

The City of Vancouver has authority to regulate the development of lands and the construction of buildings within the City. Pursuant to that authority the City issues development permits (“DP”) under the Zoning and Development Bylaw and building permits under the Building Bylaw (“BP”).

There are legal limits on the types of conditions that can be placed on both a Development Permit and a Building Permit:

- DP Conditions must relate to the form and use of the development; and
- BP Conditions must relate to the construction and code compliance of the building

Pursuant to the City's authority to regulate the development of lands the City has created the Tenant Relocation and Protection Policy (TRPP). The TRPP requires DP applicants to provide Tenant Relocation Plans (TRP), intended to protect renters by mitigating the impacts of displacement resulting from redevelopment activity. The TRP acts as a supplement to the RTA:

- The TRP is imposed as a condition of DP issuance.
- The TRP cannot be imposed on a BP as there is no argument that tenant relocation is related to the construction of the building.

As the TRP is enforced as a condition of development permit issuance it is only required in circumstances where the proposed work requires a development permit. The TRP does not apply to building permits as tenancy issues are not related to the issuance of a building permit.

As the City's ability to impose a TRP is limited to circumstances where a landlord is seeking to do work that requires a development permit it is beyond the City's jurisdiction to expand the TRPP to all permits issued by the City. This limitation means that the City can only impose the TRPP on a limited number of rental properties that are subject to renovation or demolition.

The TRP cannot require that landlords offer tenants the opportunity to temporarily move out for the duration of the renovations without their leases ending or rent increasing as those leases are governed by the RTA and the City has no authority to impose additional requirements on those agreements.

Motion Recommendation B asks that the City devise methods to track all apartment buildings sold in Vancouver and immediately inform Vancouver tenants of their rights. The information on the sale of apartments is publicly available and could be tracked. However, at present the City is not in a position to advise tenants of their rights as this would constitute legal advice. If the City wishes to provide legal advice to members of the public on tenancy issues the City can create and fund an independent body that would then engage lawyers to provide that advice.

With respect to recommendation C in the Motion, the City is a creature of the *Vancouver Charter* and is only able to exercise jurisdiction within the specific powers allocated to it by the Provincial government in the *Vancouver Charter*. At present the City has no authority to regulate and publicly register private agreements such as tenant buyouts.

City Actions to Protect Renters and Rental Housing

The City of Vancouver leads the region in terms of policy measures to protect existing renters impacted by major renovations and redevelopment, as well as measures to protect and retain existing purpose-built rental housing. The City is also continuing to expand its activities to support renters, with a new Renter Support Team coming on-line that will enhance service to renters and advocates. Additional detail on these measures is summarized below:

- **The Rental Housing Stock Official Development Plan (RHS ODP)** requires one-for-one replacement of existing rental housing when new development is proposed in the City's major apartment zones – including certain RM, FM, and CD-1 zones. In most cases, the replacement requirement removes the financial incentive to redevelop rental properties, resulting in protection of the rental stock. Approximately 53,500 units of rental housing are protected under the RHS ODP, or 77 per cent of the total rental stock.
- **The Tenant Relocation and Protection Policy (TRPP)** requires additional compensation and assistance for renters being impacted by major renovations and redevelopment, including additional months' rent, compensation for moving expenses, and assistance with identifying alternate accommodations. The TRPP is intended to supplement RTA requirements.
- ***New* A Renter Support Team** is being developed with resources for dedicated City staff. Initial actions will include enhancing access to information about permit applications (e.g. recent removal of research fees, searchable online rental standards database); providing support to organizations delivering direct legal and RTA advice to tenants; and coordinating City services to prioritize responses to renter concerns.
- **Advocacy to Senior Government**, including federal and provincial governments, could also have a significant impact on renters. Current and future action to reform the Residential Tenancy Act will help to clarify renters' rights in BC. Potential action from the federal government to address affordability for renters could bring additional support to Vancouver tenants. The National Housing Strategy includes several measures to support renters, including the proposed Canada Housing Benefit (an income supplement program) and funding for local advocacy groups that support renters. Staff have also advocated to the Provincial and Federal government for tax incentives, financing, and grants to encourage upgrades to existing rental housing.

City Participation in the Provincial Rental Housing Task Force

In April 2018, the Premier appointed a Rental Housing Task Force to provide advice on measures to address protections for renters and rental housing providers throughout the province. The task force is led by Vancouver-West End MLA Spencer Chandra Herbert, along with MLAs Adam Olsen (Green Party) and Ronna-Rae Leonard (NDP).

City of Vancouver staff were key participants in the Province's Rental Housing Task Force launched by the Province earlier this year. During the Task Force consultation period this summer, Staff provided an in-person briefing as well a written submission, both focused on the issue of enhancing renter supports in the case of renovations as well as supports for renters in privately-owned low-income housing. Staff recommendations focused on four key areas:

- In the case of minor renovations that may not require renter displacement, ensuring clarity in the Notice to End Tenancy for renovations to prevent unnecessary evictions
- In the case of major renovations requiring temporary or permanent renter displacement, ensuring that the RTA prioritizes stable tenancies and provides adequate support for renters
- Supporting landlords with needed upgrades in existing rental housing
- Enhancing support for renters in low-income housing and SRO Hotels

The full City of Vancouver written submission to the Rental Housing Task Force is included as an appendix to this Memo.

The Provincial Rental Housing Task Force is facing many of the same issues as the City in terms of balancing renter protections with the need to ensure a safe, resilient rental stock in future years. Staff expect the report and recommendations from the Task Force to be forthcoming later this month. Staff are committed to working with the Task Force and the Residential Tenancy Branch on collaborative solutions moving forward.

Regards,

Gil Kelley, FAICP
General Manager, Planning, Urban Design and Sustainability
604.873.7456 | gil.kelley@vancouver.ca

From: ["Brad Jones" <bjones@wesgroup.ca>](mailto:bjones@wesgroup.ca)

To: ["Correspondence Group, City Clerk's Office" <ccclerk@vancouver.ca>](mailto:ccclerk@vancouver.ca)

["Stewart, Kennedy" <Kennedy.Stewart@vancouver.ca>](mailto:Kennedy.Stewart@vancouver.ca)

["Bligh, Rebecca" <Rebecca.Bligh@vancouver.ca>](mailto:Rebecca.Bligh@vancouver.ca)

["Boyle, Christine" <Christine.Boyle@vancouver.ca>](mailto:Christine.Boyle@vancouver.ca)

["Carr, Adriane" <Adriane.Carr@vancouver.ca>](mailto:Adriane.Carr@vancouver.ca)

["Dominato, Lisa" <Lisa.Dominato@vancouver.ca>](mailto:Lisa.Dominato@vancouver.ca)

["De Genova, Melissa" <Melissa.DeGenova@vancouver.ca>](mailto:Melissa.DeGenova@vancouver.ca)

["Fry, Pete" <Pete.Fry@vancouver.ca>](mailto:Pete.Fry@vancouver.ca)

["Hardwick, Colleen" <Colleen.Hardwick@vancouver.ca>](mailto:Colleen.Hardwick@vancouver.ca)

["Kirby-Yung, Sarah" <Sarah.Kirby-Yung@vancouver.ca>](mailto:Sarah.Kirby-Yung@vancouver.ca)

["Swanson, Jean" <Jean.Swanson@vancouver.ca>](mailto:Jean.Swanson@vancouver.ca)

["Wiebe, Michael" <Michael.Wiebe@vancouver.ca>](mailto:Michael.Wiebe@vancouver.ca)

CC: ["Kelley, Gil" <Gil.Kelley@vancouver.ca>](mailto:Gil.Kelley@vancouver.ca)

["Johnston, Sadhu" <Sadhu.Johnston@vancouver.ca>](mailto:Sadhu.Johnston@vancouver.ca)

Date: 11/28/2018 3:14:48 PM

Subject: Motion 10- Protecting Tenants from Renovictions and Aggressive Buyouts

Attachments: Motion- Protecting Tenants from Renovictions and Aggressive Buyouts.pdf

Please find attached a letter expressing our concerns regarding this motion

Thank you

Brad Jones
Vice President, Development

WESGROUP

Suite 910 – 1055 Dunsmuir Street
Vancouver, BC V7X 1L3

D 604 648 1831
F 604 632 1737
C 604 830 1664

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We support a greener future. Please print this email only if necessary

Date: November 28, 2018

Mayor & Council
City of Vancouver
Sent via email: ccclerk@vancouver.ca

Motion: Protecting Tenants from Renovictions and Aggressive Buyouts

Dear Mayor and Council,

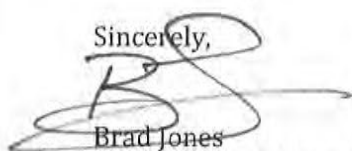
I am a LandlordBC member and a rental housing provider committed to providing safe and secure homes for BC families. I am writing you today regarding the motion before you entitled *Protecting Tenants from Renovictions and Aggressive Buy-Outs*. I wish to ensure that you are acutely aware of the hugely negative consequences to renters, the community, and landlords alike should this motion be passed, and I ask that you please hit "pause" and take the necessary time to undertake a thorough and objective analysis of the unintended consequences of the measures proposed therein.

Like me, you should be very concerned about the impact these proposed measures will have on the quality of existing rental stock and, perhaps more critically, the building of new rental housing (especially purpose-built rental housing) that we so desperately need for our social and economic well-being. I encourage you to reject this motion outright and take the time to really study and understand the issues and consequences of what is being proposed. Please take the time to seek well-considered and appropriate solutions through consultation with housing experts and economists. Reach out to our industry through LandlordBC. You simply cannot afford to get this wrong because the stakes are far too high.

I am especially concerned about the motion proposing *vacancy control*, the tying of rent controls to the rental unit. Vacancy control would, for all intents and purposes, negate the financial viability of a landlord's rental business in British Columbia. Furthermore, vacancy control would spell the end of new purpose-built rental construction in BC at a time when we are finally starting to see some new rental housing being built in the City of Vancouver and in other communities across the province (please see UDI November 2018 Rental Builder Survey <http://udi.bc.ca/wp-content/uploads/2018/11/Urban-Development-Institute-Rental-Builder-Survey-Backgrounder-1-1.pdf>). Suspension of new purpose-built rental housing construction would be devastating for all our communities and further exasperate the current rental housing supply crunch. Sadly, it is the steadily growing population of renters who would ultimately suffer the most.

In closing, I wish to reiterate that the stakes are very high as you consider this motion. Please take the time to step back and really understand the issues and the potential solutions. Reject this motion in its entirety. Thank you for your leadership in this regard.

Sincerely,



Brad Jones
Vice President, Development
Wesgroup Properties

From: ["Johnston, Sadhu" <Sadhu.Johnston@vancouver.ca>](mailto:Sadhu.Johnston@vancouver.ca)

To: ["Swanson, Jean" <Jean.Swanson@vancouver.ca>](mailto:Jean.Swanson@vancouver.ca)

Date: 12/3/2018 8:27:27 PM

Subject: RE: Memo: Information on Motion B.10 Protecting Tenants from Renovictions and Aggressive Buy-Outs

Hi-

Please wait so councilors have a chance to read it.

sadhu

Sadhu Aufochs Johnston | City Manager

City of Vancouver | 453 W 12th Avenue

Vancouver | BC V5Y 1V4

604.873.7627 | Sadhu.johnston@vancouver.ca

Twitter: sadhuajohnston

From: Swanson, Jean

Sent: Monday, December 3, 2018 6:16 PM

To: Johnston, Sadhu

Subject: Re: Memo: Information on Motion B.10 Protecting Tenants from Renovictions and Aggressive Buy-Outs

Can I send this to tenants?

Sent from my iPhone

On Dec 3, 2018, at 5:55 PM, Johnston, Sadhu <Sadhu.Johnston@vancouver.ca> wrote:

Greetings Mayor and Council,

Please see attached memo from Gil Kelley, General Manager of Planning, Urban Design & Sustainability.

The memo is in response to the request from Council for responses to specific questions on Motion B.10 from the Regular Council Meeting on November 13, 2018, "Protecting Tenants from Renovictions and Aggressive Buy-Outs" and following speakers heard on November 27 and 28, 2018.

Best,
Sadhu

Sadhu Aufochs Johnston | City Manager

City of Vancouver | 453 W 12th Avenue

Vancouver | BC V5Y 1V4

604.873.7627 | Sadhu.johnston@vancouver.ca

Twitter: sadhuajohnston

<image003.jpg>

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<Memo to Mayor and Council - Information on Motion B10 Protecting Tenants....pdf>

From: ["Swanson, Jean" <Jean.Swanson@vancouver.ca>](mailto:Jean.Swanson@vancouver.ca)

To: ["Johnston, Sadhu" <Sadhu.Johnston@vancouver.ca>](mailto:Sadhu.Johnston@vancouver.ca)

Date: 11/29/2018 5:52:22 PM

Subject: Re: questions for staff re: motion on renovictions

A couple more.

s.13(1)

s.13(1)

Thanks

Sent from my iPhone

On Nov 29, 2018, at 4:22 PM, Swanson, Jean <Jean.Swanson@vancouver.ca> wrote:

Can staff comment on

s.13(1)

Thanks.

From: ["Johnston, Sadhu" <Sadhu.Johnston@vancouver.ca>](mailto:Sadhu.Johnston@vancouver.ca)

To: ["De Genova, Melissa" <Melissa.DeGenova@vancouver.ca>](mailto:Melissa.DeGenova@vancouver.ca)

CC: ["Mochrie, Paul" <Paul.Mochrie@vancouver.ca>](mailto:Paul.Mochrie@vancouver.ca)

Date: 11/13/2018 12:07:49 PM

Subject: RE: RE: Referral motion B10

Hi

s.13(1)

Thanks

Sadhu

From: De Genova, Melissa

Sent: Tuesday, November 13, 2018 11:40 AM

To: Johnston, Sadhu

Cc: Mochrie, Paul

Subject: RE: Referral motion B10

Referral to Councillor Swanson's motion B.10 . Can you please let me know if this referral would be supported by staff?

Thanks,

Melissa

s.13(1)

From: ["De Genova, Melissa" <Melissa.DeGenova@vancouver.ca>](mailto:Melissa.DeGenova@vancouver.ca)
To: ["Leckovic, Katrina" <Katrina.Leckovic@vancouver.ca>](mailto:Katrina.Leckovic@vancouver.ca)
["Stewart, K" <K.Stewart@vancouver.ca>](mailto:K.Stewart@vancouver.ca)
CC: ["Johnston, Sadhu" <Sadhu.Johnston@vancouver.ca>](mailto:Sadhu.Johnston@vancouver.ca)
["Ludwig, Nicole" <nicole.ludwig@vancouver.ca>](mailto:nicole.ludwig@vancouver.ca)
Date: 11/13/2018 3:16:30 PM
Subject: Referral

Can you please circulate to Councillors for me

s.13(1)

Melissa De Genova
COUNCILLOR
City of Vancouver
3rd Floor, City Hall
[453 West 12th Avenue](#)
[Vancouver, BC V5Y 1V4](#)
Direct: [604-873-7244](tel:604-873-7244)
Cell: [604-366-9197](tel:604-366-9197)

Assistant:
Cheryl Rowley
Cheryl.Rowley@vancouver.ca
Direct: 604-871-6714



From: "Jon Stovell" s.22(1)

To: "Johnston, Sadhu" <Sadhu.Johnston@vancouver.ca>

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Subject: You Must Say No To Vacancy Control - A Letter to Mayor & Council — LandlordBC

<https://landlordbc.ca/must-say-no-vacancy-control-letter-mayor-council/>

You Must Say No To Vacancy Control – A Letter to Mayor & Council

November 13, 2018

The following is a letter written by LandlordBC CEO David Hutniak, *and sent to City of Vancouver Mayor and Council on November 9, 2018.*

Dear Mayor and Council,

LandlordBC is the province-wide voice of the rental housing industry in British Columbia, committed to the provision of safe and sustainable rental housing in communities throughout BC. We are recognized for developing and maintaining a proactive and positive collaborative relationship with City of Vancouver Civic Leaders, senior City staff, and key stakeholders in the community. In recent years we have work diligently with the City and a broad range of stakeholders to enhance existing rental stock and combat the persistent shortage of secure rental housing in Vancouver. We are writing you today in regard to November 13, 2018 Motion On Notice entitled Protecting Tenants from Renovictions and Aggressive Buy-Outs. *We wish to express our strong opposition to the resolutions proposed in said Motion and request that the Motion be*

rejected outright, in its entirety.

In the Motion, it is proposed that the City apply its Tenant Relocation and Protection Policy to all forms of rental accommodation and, in that context, prohibit the ending of leases by landlords undertaking renovations that require vacant possession of the unit. Vacant possession is typically necessary due to the complexity of the renovation and due to health and safety concerns for the tenants. The Motion further proposes dictating that such landlord must offer first right of refusal for the impacted tenant(s) to return to the renovated unit at their pre-renovation rent.

LandlordBC is on record for supporting the City's robust tenant relocation policy, and we have encouraged other municipalities to look to Vancouver's policy as a benchmark. However, the notion that tenants should be allowed to return to a fully renovated unit at their pre-renovation rent, is completely unreasonable and unacceptable. Setting aside the reality that such policy would freeze anything beyond bare maintenance investment in our already very old rental housing stock, in our view such measures infringe on the property rights of a landlord to invest in their asset, increases the landlord's liability as it pertains to tenant health and safety and, contravenes the landlord's rights under the Residential Tenancy Act (RTA).

In regard to the RTA, as it pertains to this Motion, it should be noted that the Province, through Bill 12 passed in May, 2018, provided significant additional protections for renters under the RTA in regard to renovations including additional notice (4 months vs 2 months), and strict penalties (12 months rent payable to the tenant) for landlord misrepresentations and/or failure to undertake the renovations that were stipulated as necessary to justify vacant

possession. These additional protections were developed in consultation with LandlordBC and supported by LandlordBC.

The Motion further proposes that the City call on the Province to implement vacancy control. With vacancy control BC's already prohibitive rent control legislation would become even more prohibitive by tying rent control to the unit. What this means is that the landlord would unfairly lose the right upon tenant turnover to try to move rents to market in hopes of recovering over time a portion of the cost of improvements to their asset, to offset their steadily increasing operating costs and, perhaps most critically, try to recover some portion of the increased costs that are entirely outside their control.

Whereas deferring maintenance, postponing upgrades to rental units, keeping that old inefficient boiler until it stops working, and reducing staff are all costs that a landlord can control, a significant portion of a landlord's costs are outside their control. We are of course referring to municipal and provincial taxes and fees like property taxes, payroll taxes, income tax rates, licensing fees, permit fees, inspection fees, etc, etc., all of which continue to increase substantially at the discretion of the municipality and province. Vacancy control would, for all intents and purposes, negate the financial viability of a landlord's rental business in British Columbia. Furthermore, vacancy control would spell the end of new purpose-built rental construction in BC at a time when we are finally starting to see some new rental housing being built, and in Vancouver most notably. Suspension of new purpose-built rental housing construction would be devastating for our community and further exacerbate the current rental housing supply crunch. Vacancy control would be devastating to all landlords especially the many

small landlords that disproportionately represent the rental housing industry in BC. Sadly, it is the steadily growing population of renters who would ultimately suffer the most if this were to happen.

In closing, I wish to reiterate that LandlordBC requests that the Motion On Notice entitled Protecting Tenants from Renovictions and *Aggressive Buy-Outs be rejected outright, in its entirety*. We welcome discussing this matter in greater detail and look forward to continuing to collaborate with you to improve the state of rental housing in the City of Vancouver.

Sincerely,

David Hutniak
Chief Executive Officer
LandlordBC

Sent from my iPhone

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