

File No.: 04-1000-20-2022-121

May 20, 2022

s.22(1)

Dear s.22(1)

Re: **Request for Information**

I am responding to your request of March 8, 2022 under the ***Freedom of Information and Protection of Privacy Act, (the Act)***, for:

1. **Policy guidelines and manuals relevant to enforcement of conditions of development permits insofar as they apply to developer commitments to provide affordable rental as a condition of permits issued by the City of Vancouver. Specifically, guidelines and manuals that are used in enforcement against developers who do not fulfil the conditions of their permits as it pertains to affordable rental only.**
2. **List of infractions relating to point one, including the date, type of infraction, penalty, and action taken against the developer. Date range: January 1, 2012 to March 8, 2022.**

The information you are seeking in relation to point one is publicly available on the City of Vancouver website. The Housing Policy and Regulation division provided the following links that inform the policy guidelines and procedures for the DCL Waiver process:

- <https://vancouver.ca/home-property-development/development-cost-levies.aspx>
- <https://bylaws.vancouver.ca/bulletin/bulletin-rental-incentive-programs.pdf>
- Section 3 of the City of Vancouver Development Cost Levy By-law:
<https://bylaws.vancouver.ca/9755c.PDF>

In regards to point two, there are no responsive records. The Housing Policy and Regulation division noted that there are no affordable rental housing projects that require ongoing commitments to affordability or secured rents; the majority of the City's rental incentive programs set rents upon completion and occupancy, but after that, rents are regulated by the Residential Tenancy Act and not monitored by the City. The project applicant has to confirm starting rents before their occupancy permit is issued; since they cannot get a permit without confirming the rents meet the City's requirements, it is unlikely a project would be approved and then subsequently found to be in non-compliance with the regulations.

As an additional note, the City recently developed policies that require a portion of units to be secured at affordable rents in perpetuity (e.g. Moderate Income Rental Housing Pilot Program), but none of those projects have reached completion. Staff in the Housing Policy and Regulation

Division are currently working with staff in the Arts, Culture and Community Services Department to develop protocols and procedures for monitoring and compliance of Housing Agreements that secure rents in privately-owned rental housing.

Under section 52 of the Act, and within 30 business days of receipt of this letter, you may ask the Information & Privacy Commissioner to review any matter related to the City's response to your FOI request 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 (#04-1000-20-2022-121); 2) a copy of this letter; 3) a copy of your original request; and 4) detailed reasons why you are seeking the review.

Yours truly,

[Signed by Cobi Falconer]

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If you have any questions, please email us at foi@vancouver.ca and we will respond to you as soon as possible. Or you can call the FOI Case Manager at 604-871-6584.

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