



TENANT RELOCATION AND PROTECTION GUIDELINES

Adopted by City Council on December 10, 2015
Amended February 15, 2016, June 22, 2018 and August 15, 2018

*Sections 2.0, 3.0 (c) and (f), and 3.3 updated to reflect changes to the BC Residential Tenancy Act, which came into force on May 17, 2018. Full text of the legislative changes are available at <https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/41st-parliament/3rd-session/bills/third-reading/gov12-3>

More information on the new BC RTA requirements is also available from the Residential Tenancy Branch (<https://www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies/changes-to-tenancy-laws>) and in the following RTA guidelines:

1. [Ending a Tenancy for Landlord Use](#)
2. [Compensation for Ending a Tenancy](#)

These Guidelines replace the Rate of Change Guideline Guidelines for Certain RM, FM, and CD-1 Zoning Districts, Adopted May 24, 2007.

1.0 Intent

These guidelines are intended to be used in conjunction with the Tenant Protection and Relocation Policy to assess rezoning and development permit applications where tenants will be impacted or displaced due to major renovation or redevelopment.

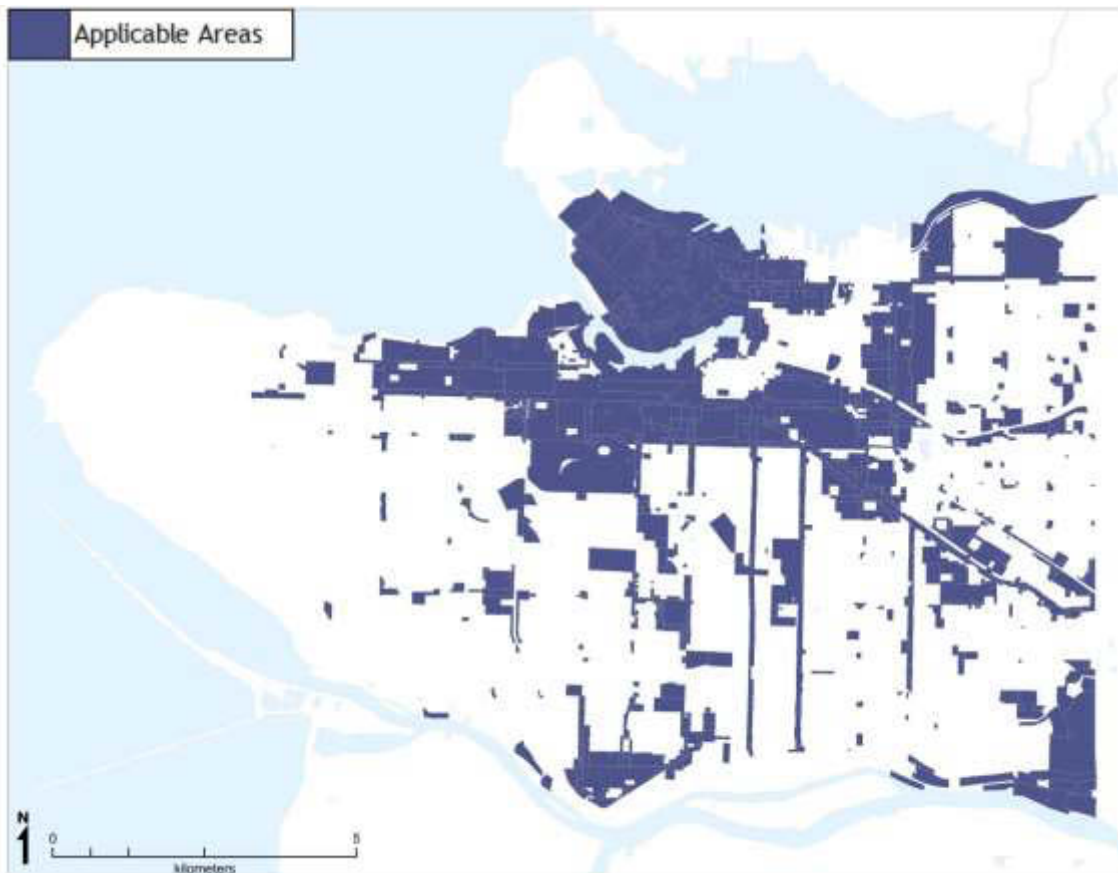
2.0 Policy Target - Where Do These Guidelines Apply?

These guidelines apply to the “primary” rental stock, where the purpose of the building is to operate rental housing in the long-term. This includes:

- purpose-built market rental housing;
- non-market or social housing;
- buildings with rental units above commercial spaces; and
- large multiple conversion dwellings with six or more units.

A Tenant Relocation Plan will be required when tenants in existing residential rental units are displaced as a result of redevelopment or major renovation activity as described in Section 3.0 below. A Tenant Impact Statement, as described in 4.0 below, will be required when tenants are not permanently displaced.

This policy is applicable in all zoning districts, except single family, industrial, and agricultural areas and is intended to inform the rezoning and development permit processes. See map below.



Exclusions:

This policy does not apply to redevelopment or renovation in the “secondary” rental stock, including single-family houses, basement suites, duplexes, or individually rented condos or tenancing of a vacant property after an application for redevelopment or renovation is made.

Note: In cases where the Tenant Relocation and Protection Policy does not apply, landlords issuing a notice to end tenancy for landlord’s use for renovation, demolition, or conversion must still provide renters with notice, compensation, and right of first refusal as required by the Residential Tenancy Act.

- As per Section 49(2) of the RTA, a landlord giving notice to end tenancy for landlord’s use for renovation, demolition, or conversion may end a tenancy no earlier than 4 months after the date the tenant receives the notice.
- A tenant who receives a notice to end a tenancy for landlord's use of property is entitled to receive from the landlord on or before the effective date of the landlord's notice an amount that is the equivalent of one month's rent payable under the tenancy agreement.
- A tenant has a right of first refusal to enter into a new tenancy agreement at a rent determined by the landlord if the landlord ends their tenancy to renovate or repair the rental unit. This right of first refusal applies only to a rental unit in a residential property containing 5 or more units. Tenants may exercise their right of first refusal using the approved form (RTB 28):
<https://www2.gov.bc.ca/assets/gov/housing-and-tenancy/residential-tenancies/forms/rtb28.pdf>

More information on these requirements is available on the RTA website (<https://www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies/changes-to-tenancy-laws>) and in the following RTA guidelines:

3. [Ending a Tenancy for Landlord Use](#)
4. [Compensation for Ending a Tenancy](#)

Renovations that Could Result in Tenant Displacement:

A Tenant Relocation Plan will be required for all redevelopment or renovation activity that results in tenant eviction, if the proposed project requires a rezoning or development permit.

The following are examples of the types of renovations that could result in tenant relocation. It is not a complete list, but is intended to provide guidance to applicants and tenants.

- New construction;
- Adding, relocating, or removing walls in units that change the floor plan;
- Increasing or reducing the number and type of units in a rental building;
- Upgrading rooms (e.g. kitchen and bathroom floor finishing, painting or tiling);
- Installing fire sprinkler systems linked to multiple units in a rental building;
- Extensive repairs to units that have been damaged by fire or flooding; and
- Demolishing buildings that house tenants in rental units.

3.0 Tenant Relocation Plan

At a minimum, every Tenant Relocation Plan should include:

- (a) A list setting out the name of each tenant, the number of the tenant's unit, the length of occupancy, the unit type, the size of the unit, and the rent the tenant pays.
- (b) Financial compensation provided based on length of tenancy:
 - 2 months' rent for tenancies up to 5 years;
 - 3 months' rent for tenancies between 5 to 9 years;
 - 4 months' rent for tenancies over 10 years; and
 - 6 months' rent for tenancies over 20 years.

This can take the form of free rent, a lump sum payment or a combination of both.

- (c) Legal notice to end the tenancy as per the B.C. Residential Tenancy Act (see Section 3.3). As per Section 49(2) of the RTA, a landlord giving notice to end tenancy for landlord's use for renovation, demolition, or conversion may end a tenancy no earlier than 4 months after the date the tenant receives the notice.
- (d) For tenants requesting assistance finding new accommodations:
 - Three options should be offered that are comparable in unit type, unless otherwise agreed to;

- All options should be in Vancouver, with one in the same neighbourhood¹;
- In the West End, there should be two options in the same neighbourhood;
- All options should rent at no more than Canadian Mortgage and Housing Corporation's average rents for the area;
- All options offered should be comparable in unit type, unless otherwise agreed to;
- Where possible, options should be tailored to the tenant (e.g. pet friendly, mobility considerations, smoke-free, etc.); and
- In cases involving vulnerable tenants, applicants are encouraged to provide additional supports as per section (g) below.

Note: If a tenant's current rent is higher than CHMC average rents for the area, alternate accommodation options will be provided at the tenant's current rental rate.

- (e) Arrangement for an insured moving company, or, a flat rate payout for moving expenses as follows:
- \$750 for bachelor and 1-bedroom households; and
 - \$1,000 for two or more bedroom households.
- (f) Right of first refusal, at a 20 per cent discount below starting market rents, will be offered in the following scenarios:
- For projects where one-for-one replacement of rental units are required under the Rental Housing Stock ODP. The ODP applies to RM-2, RM-3, RM-3A, RM-4 and 4N, RM-5, RM-5A, RM-5B and RM-5C, RM-6, FM-1, or CD-1 District;
 - For projects proposing new secured market rental housing units (e.g. through the Secured Market Rental Policy, "Rental 100", or Affordable Housing Interim Rezoning Policy); and
 - For projects proposing new social housing, or where rental units are replaced with social housing (e.g. in certain areas identified in the West End Plan), tenants will be offered right of first refusal, provided they meet the eligibility requirements for the new social housing unit and any criteria described in a Council approved Housing Agreement.

¹ "Neighborhood" in this context refers to the local planning area in which the tenant currently resides. To learn more, visit the City's local area map: <http://vancouver.ca/news-calendar/areas-of-the-city.aspx>

NEW: Effective May 17, 2018, section 51.2 of the RTA provides tenants of multi-unit residential properties (containing more than 5 units) who receive a notice to end tenancy for renovation or repair under section 49 (6) (b) with a right of first refusal to enter into a new tenancy agreement for the rental unit when the renovations or repairs are complete.

If a tenant exercises their right of first refusal by giving the landlord notice in the approved form (RTB 28) before vacating the rental unit, the landlord must:

- (a) Give the tenant a notice of availability (RTB 35) at least 45 days before the rental unit will be available to rent, and
- (b) A tenancy agreement to sign.

If the landlord does not fulfill these requirements, they must pay the tenant compensation equal to 12 months' rent payable under the former tenancy agreement, unless the landlord's failure was due to extenuating circumstances.

Applicants are strongly encouraged to provide tenants with the form [Tenant Notice: Exercising Right of First Refusal](#), as part of their communication with tenants who are eligible for Right of First Refusal under City policy and/or under the Residential Tenancy Act.

Note: The Right of first refusal does not apply to projects where the new units are not residential rental.

Note: If a tenant's current rent is higher than the proposed 20% below market rent level, the Right of First Refusal will be provided at the tenant's current rental rate.

Note: There may be cases where tenants are not eligible for Right of First Refusal at discounted rent under the City's Tenant Relocation and Protection Policy, but still have right of first refusal to return to their unit as per the Residential Tenancy Act. See Section 2.0 for more information.

- (g) Additional support for special circumstances:
 - Staff will have discretion to request that additional financial compensation or support be provided to vulnerable tenants (e.g. seniors, persons with disabilities, tenants with low income, mental health issues, etc.); and
 - Additional supports may include hiring a housing consultant to assist individual tenants, additional funds for moving expenses, and/or working with non-profit agencies to offer alternative accommodation.
 - Additional support to include at least one alternate option within 10% of the tenant's current rent, if the tenant has a low income and is paying significantly lower than CMHC average rent for the area.

3.1 Final Tenant Relocation Report

Prior to the issuance of the occupancy permit, a Final Tenant Relocation Report must be submitted and include:

- Names of tenants eligible for the Tenant Relocation Plan;
- Outcome of their search for accommodation; and
- A summary of the monetary value given to each tenant (e.g. moving costs, rent, etc.).

3.2 Eligible Tenants

Regardless of the type of tenancy, all tenants residing in the building for one year or more (“Eligible Tenant”) at the time the rezoning or development permit application is opened must be included in the Tenant Relocation Plan.

A tenant that has not resided in the property long enough to be an Eligible Tenant, including a tenant that moves into the property after the rezoning or development permit application is opened, is not required to (but at the applicant’s option, may) be included in the Tenant Relocation Plan. In any event, the applicant is required to comply with the RTA with respect to all tenants (whether Eligible Tenants or not) and with the Tenant Relocation Plan (with respect to Eligible Tenants).

Since the Tenant Relocation Plan has requirements which supplement those in the RTA, compliance with the Tenant Relocation Plan will automatically make the applicant compliant with the RTA. However, it is the applicant’s obligation to ensure that any specific notice, forms, or other documentary requirements specific to the RTA are complied with regardless of whether or not they are dealing with an Eligible Tenant. Applicants should provide written communication apprising all non-Eligible Tenants of the redevelopment, and why they are not entitled to the Tenant Relocation Plan package.

3.3 Ending Tenancies

Under the BC Residential Tenancy Act (RTA), there are two ways to end tenancies for the purposes of renovation, demolition, or conversion of an existing rental property-- a notice to end tenancy for landlord’s use of the property for renovation, demolition, or conversion or a Mutual Agreement to End Tenancy.

As per Section 49 of the RTA, a notice to end tenancy for landlord’s use of the property for renovation, demolition, or conversion can only be issued if the landlord has all the necessary permits and approvals required by law, and intends in good faith, to do any of the following:

- (a) demolish the rental unit;
- (b) renovate or repair the rental unit in a manner that requires the rental unit to be vacant;
- (c) convert the residential property to strata lots under the *Strata Property Act*;
- (d) convert the residential property into a not for profit housing cooperative under the *Cooperative Association Act*;
- (e) convert the rental unit for use by a caretaker, manager or superintendent of the residential property;
- (f) convert the rental unit to a non-residential use.

Necessary permits typically include the development permit, building permit, all applicable trades permits, and the demolition permit. As per Section 49.2 of the RTA, a landlord giving notice for this purpose may end a tenancy no earlier than 4 months after the date the tenant receives the notice.

The owner can also use a Mutual Agreement to End Tenancy, where the owner/landlord and tenant agrees to the terms in which a tenancy is ended. At a minimum, Tenant Relocation Plan requirements described in section 3.0 around free rent, moving expenses, alternate accommodation, special circumstances and right of first refusal, must still be offered to eligible tenants in these cases.

4.0 Tenant Impact Statement

Not all renovation activities involving development or rezoning will require a Tenant Relocation Plan. In some instances, work can be done with tenants continuing to occupy the building. In these situations, a Tenant Impact Statement is required. The Statement must be notarized and include a declaration that tenancies will not be ended as a result of the proposed work. If the scope of work changes at any time and permanent relocation of tenants becomes necessary, applicants will be requested to provide a permanent tenant relocation plan as described in Section 3.0.

Type of work where tenants are not relocated permanently may include: major upgrades and repairs to a unit, addition of a unit, etc.

5.0 Vacant Buildings

Special requirements apply where the rental building is vacant at the time of application as a consequence of:

- A vacant possession having been a condition of property purchase; or
- A Notice to Vacate was issued without all proper permits and necessary approvals in place.

In these cases, the application will need to be supplemented by additional information as requested by the Chief Housing Officer and Director of Planning detailing and on request providing the supporting documents and legal notices delivered to the tenants so as to afford the Chief Housing Officer and Director of Planning the ability to confirm and verify that the process by which the building was vacated was, to the best of their knowledge, carried out in compliance with this Policy and the RTA. The City may require follow-up statements and declarations in these circumstances. Applicants should therefore expect longer application and approval timelines in these circumstances

6.0 Submission Requirements

This section describes the tenant relocation submission process and the documentation required.

6.1 For projects where a Tenant Relocation Plan is required:

- (c) A Tenant Relocation Application Form must be submitted with every Rezoning or Development Permit application. All tenants must be included, although the Tenant Relocation Plan requirements will only apply to eligible tenants as described in Section 3.0 above.
- (d) Early Communication with tenants is important. For rezonings, applicants are encouraged to communicate in writing with tenants at the start of the inquiry stage. The objective is to inform tenants about the intent to redevelop and provide information on the process and timelines involved. For development permits, applicants are encouraged to begin written communication with tenants when the application is opened. Note: Notices to End Tenancies are not to be issued at this stage.

- (e) The Tenant Relocation Plan will be evaluated by staff during the rezoning and development permit process. Once the Plan has been agreed to by the applicant and Staff, the applicant should communicate the terms of the Tenant Relocation Plan to all eligible tenants. A notarized declaration must be submitted to the City demonstrating that each tenant has been given written notice of the intent to redevelop the property, the number of units occupied on the date of the notice, and includes copies of a letter addressed to each tenant summarizing the Tenant Relocation Plan offer and signed as received by each tenant.

Applicants are strongly encouraged to provide tenants with the form [Tenant Notice: Exercising Right of First Refusal](#), as part of their communication with tenants. See Section 3(f) for more information.

- (f) A Final Tenant Relocation Report, as outlined in Section 3.1 above, must be submitted prior to the issuance of the occupancy permit.
- (g) Legal Agreements - for projects where the right of first refusal is required, a 20 percent discount should be offered off starting market rents (as described in section 3.0 above):
- In these cases, the rental units and the right of first refusal will be secured through legal agreements, (e.g. Housing Agreement pursuant to section 565.2 of the Vancouver Charter, including no stratification and no separate sales covenants), or any other legal mechanism deemed necessary by the Director of Legal Services and the Chief Housing Officer for a term of 60 years or life of the building, whichever is greater; and
 - For projects proposing new social housing, or where rental units are replaced with social housing (e.g. in certain areas identified in the West End Plan), tenants will be offered right of first refusal, provided they meet the eligibility requirements for the new social housing unit.

6.2 For projects where a Tenant Impact Statement is required:

- (a) A **Tenant Relocation Application Form** must be submitted. All tenants must be included, although the Tenant Relocation Plan requirements will only apply to eligible tenants as described in Section 3.0 above.
- (b) If after the evaluation of the Tenant Relocation Application Form, Staff determine that tenants will not be displaced as a result of the proposed work, a Tenant Impact Statement will be provided by the applicant. The Statement must be notarized with a declaration that tenancies will not be impacted as a result of the work completed.
- (c) **Communication with tenants:** applicants are encouraged to provide written communication with tenants during the permitting process with information on the proposed project, as well as to let them know tenancies will not be disrupted.

For more detailed information on the tenant relocation process, including access to application forms, templates, and checklists, please see: <http://vancouver.ca/people-programs/creating-new-market-rental-housing.aspx>

