

COUNCIL POLICY

10 Planning and Development



Policy Name	Residential Tenant Displacement Policy	
Policy Number	H18	
Effective Date	November 16, 2015	Amended July 12, 2021
Approved By	Council	

PURPOSE

The purpose of this policy is to provide tenants who are displaced as a result of the redevelopment of rental accommodation with enhanced notice and assistance beyond that required under the Residential Tenancy Act (RTA). This policy does not replace or affect the requirements in the RTA.

Applicability

The policy applies to all rezoning applications that would result in the demolition of any building or combination of buildings containing five or more dwelling units occupied by tenants as their primary place of residence at the time of submission of the application. This includes rental units in single family homes, duplexes and coach houses, strata units operating as rental units, and purpose-built rental units.

Eligible Tenants

Tenancies active when the Development Application is submitted to the City are eligible for support under this policy. Support will be provided on a dwelling unit basis and be distributed to those named on the written tenancy agreement. Where there is more than one eligible tenant that resides in the dwelling units, tenants should determine among themselves who will be the designated tenant to act as the main point of contact, and communicate this decision to the Tenant Relocation Coordinator.

Tenants who move into an existing vacant rental unit after submission of the Development Application are not expected to receive the supports offered to pre-existing tenants. The developer is expected to notify prospective tenants who wish to move into the building after the Development Application is submitted that they will not receive the supports offered to pre-existing tenants.

Exemptions

The policy does not apply to redevelopment that is permitted outright under existing zoning. Tenants who move into an existing rental dwelling unit after submission of a rezoning application are not expected to receive the same support as pre-existing tenants, and should be notified as such in writing prior to signing a rental agreement.

Rezoning applications submitted prior to the adoption date of this updated policy are subject to the provisions of the previous 2015 Residential Tenant Displacement Policy.

POLICY

The following elements are requested by the development applicant as a voluntary commitment. Adherence to this policy does not guarantee development approval from Council.

Relocation Assistance

The applicant will designate a Tenant Relocation Coordinator to support tenants throughout the process, and to aid tenants in finding up to three comparable rental units in the City of North Vancouver. The Tenant Relocation Coordinator must be an independent, third party professional to ensure parity of support for tenants by a coordinator who is not associated with an individual property owner or development applicant. The City will prepare a list of qualified coordinators, however City staff will not be directly involved in the selection of the Coordinator or landlord-tenant relationships.

The Tenant Relocation Coordinator should be engaged from the pre-application stage and should have regular hours during which they are available to tenants by phone and email. Reasonable measures should be taken to ensure that any tenants requesting support in a language other than English are provided with information in their preferred language.

The Tenant Relocation Coordinator is expected to be responsible for implementing the Tenant Communication Plan so that tenants are proactively engaged and notified of input opportunities throughout the development application process. Notifications as part of the Tenant Communication Plan should be provided directly to tenants and posted in conspicuous places within the building(s). Information on tenant resources, including this Policy, the Residential Tenancy Branch webpage, and the Tenant Resource and Advisory Centre should also be provided.

For eligible tenants who want assistance in finding new rental accommodation, the Tenant Relocation Coordinator should identify at least three comparable rental dwelling units for each tenant household. The comparable units should have the same number of bedrooms as the current unit and be located in the City of North Vancouver unless otherwise specified by the household. The comparable units should also meet any other needs and/or preferences specified by the tenant household, for example around accessibility adaptations or pet restrictions.

The maximum rent for the comparable units found by the Tenant Relocation Coordinator should be no more than the greater of:

- a) 10% above the tenant's current rent; or
- b) 10% above the most recently published CMHC median rent level, by number of bedrooms, for the City of North Vancouver (or Metro Vancouver, when insufficient rental data is available for the size of property within the City).

The Tenant Relocation Coordinator is also expected to help tenants secure identified units, including by providing references and arranging viewings for potential units, if requested.

Additional Assistance for Low Income Tenants and Others Facing Barriers

There are many reasons why tenants may require additional assistance with the relocation process – for example, elderly residents on fixed incomes, tenants with low incomes, people with disabilities, or others who may face barriers to securing appropriate housing in proximity to their support networks.

While individual tenant needs will vary on a case-by-case basis, applicants will be expected to provide individualized support to those identified as having additional needs to successfully navigate the process of relocation. Tenants potentially in need of additional assistance should be identified in the Occupancy Report, however it is possible that additional support needs may not become apparent until later in the relocation process. Low income tenants and those with additional housing barriers to who do not initially identify a need for additional assistance in the Occupancy Report should not be denied reasonable additional assistance at a later date if needed.

This support is in addition to the financial compensation that all tenants are entitled to, and will generally be in the form of in-kind services provided by the applicant and/or the Tenant Relocation Coordinator. Examples of additional assistance that may be required include:

- a) Early communication and notifications, in person if requested;
- b) Additional support with arranging and attending viewings;
- c) Support with accessing social housing or rent supplements;
- d) Connecting with health organizations and non-profit services; and
- e) Free support with activities such as packing.

Generally, a household is considered low income if its income is below 50% of median household income for that household size. To simplify the identification of low income tenants for the purposes of determining the potential need for additional assistance with relocation, the below thresholds should be used as a guide for determining households who are low income:

- a) Households without dependents are considered low income when they have a gross annual income of less than \$35,000; and
- b) Households with dependents are considered low income when they have a gross annual income of less than \$60,000.

The higher threshold for households with dependents reflects that these households would require at a minimum a two bedroom property and have additional household expenses associated with supporting dependent(s).

Financial Compensation

The applicant will compensate all eligible tenants with financial assistance equivalent to 4 months' of their current rent.

In addition to this baseline amount, tenants whose tenancy began five or more years prior to the date the Development Application is submitted will receive additional financial assistance based on the length of time they have resided in the building. This will be calculated at a rate of \$25 per month for each full month's tenancy beyond five years.

Length of Tenancy	Financial Compensation Amount
Less than 5 years	4 months' rent
More than 5 years	4 months' rent plus ((total tenancy length in months – 60) x \$25)

If an eligible tenant moves out prior to approval of the rezoning application, financial compensation (including the moving expenses detailed below) is to be provided to the tenant by the Applicant no later than immediately following final adoption of the rezoning bylaw(s). For all other eligible tenants, financial compensation is to be provided to the tenant no later than the date they move out, whether or not a demolition permit has been obtained or an eviction notice has been served.

Moving Expenses

Tenants will be compensated for moving expenses with a flat rate payment based on number of bedrooms. The below amounts should be adjusted upwards annually from the date the policy is adopted based on the Consumer Price Index (CPI):

- a) \$1000 for studio and 1 bedroom units;
- b) \$1250 for 2 bedroom units; and
- c) \$1500 for 3 bedroom and larger units.

Notice Period

The applicant will provide all tenants with four months' notice, only after a Demolition Permit is issued by the City.

First Right of Refusal

The applicant will provide all displaced tenants the first right of refusal to live in any purpose-built rental units in the new building, with the particulars of the units to be negotiated between the property owner and individual tenants.

Where the new building includes mid-market rent (MMR) units, tenants will have the first right of refusal to rent an MMR unit in the new building, provided the tenant meets the eligibility requirements for the MMR unit at the time the unit is first available for rent. To ensure that displaced tenants receive notification when the MMR units are becoming available, they will need to confirm during the relocation process that they want to exercise their first right of refusal.

SUBMISSION REQUIREMENTS

The applicant will submit the following documents throughout the development applications and approvals process

Development Application

An Occupancy Report and Tenant Relocation Plan are required to be submitted at time of Development Application.

The Occupancy Report should contain the following information:

- a) Total number of units in building, by unit size (number of bedrooms) and status (occupied or vacant);
- b) Type of tenancy (periodic or fixed term) for each tenant households;
- c) Start and, if relevant, end date of tenancy for each tenant household;
- d) Current Rent for each unit; and
- e) Specific tenant households characteristics from the Tenant Household Needs Assessment form, should the tenant wish to provide this information (for example, accessibility/mobility requirements, pets, proximity to particular amenities such as schools).

The Occupancy Report should comply with data protection and privacy requirements. If tenants do not wish to provide information and/or do not wish to engage with the Tenant Relocation Coordinator it should be communicated to them that they are still entitled to the other provisions of this Policy relating to financial compensation, moving expenses, notice period, and first right of refusal.

The Tenant Relocation Plan should include full information on how the applicant will comply with the minimum provisions of the policy throughout the redevelopment process. A detailed Tenant Communication Plan should be included alongside commitment to use of an independent Tenant Relocation Coordinator and provision of a Tenant Assistance Package that clearly sets out the additional assistance that will be provided to displaced tenants should the rezoning application be approved.

The Tenant Assistance Package must be distributed to tenants within two weeks of receiving staff approval and include the following information as a minimum:

- a) Timeline and overview of the development application process;
- b) Commitment to provide advanced notice and updates to tenants on Development Information Sessions, Council Meetings and Public Hearing related to the application;
- c) Contact information for Tenant Relocation Coordinator;
- d) Responsibilities of the developer to provide financial compensation and other assistance;
- e) Method for low income tenants and others facing barriers to request additional assistance;
- f) A current copy of the British Columbia Residential Tenancy Act;
- g) A copy of the City's Residential Tenant Displacement Policy; and
- h) Copies of applicable tenant resources.

The applicant is responsible for submitting a copy of all written correspondence and notification to tenants to City staff. This correspondence will be included as part of the report to Council for consideration of the development application.

Demolition Permit

A final Tenant Relocation Report is required to be submitted prior to issuance of a Demolition Permit for the property, as per the format prescribed by the City. As a minimum, this should include:

- a) The outcome of the relocation process for displaced tenants, including evidence that tenants have been satisfactorily assisted in locating alternative accommodation. Where tenants have opted out of relocation assistance, written notice from the tenant must be submitted;
- b) The value of compensation given to each tenant including financial compensation, moving expenses, and any additional assistance or services that were provided to the tenant(s); and
- c) Details of all tenants who wish to exercise their first right of refusal for any mid-market rental units provided in the new building(s) and how these tenants will be notified when the units become available.

Occupancy Permit

Details of all tenants who wish to return to the building and the status of their tenancy must be provided prior to the issuance of an Occupancy Permit. In cases where there are more tenants who wish to exercise their first right of refusal than available MMR units, the developer will be responsible for selecting a tenant in accordance with the provisions of the Housing Agreement associated with the development.

AUTHORITY

Local Government Act, RSBC, 1996

DOCUMENT HISTORY

Date	Action	By
November 16, 2015	Approved	Council
July 12, 2021	Amended	Council