
TO: CITY MANAGER **DATE:** 2020 February 19

FROM: DIRECTOR PLANNING AND BUILDING **FILE:** 2125 20
Reference: UBCM Resolutions

SUBJECT: 2020 UBCM RESOLUTIONS

PURPOSE: To present resolutions for submission to the 2020 Lower Mainland Local Government Association (LMLGA) Annual General Meeting and the Union of BC Municipalities (UBCM) Convention.

RECOMMENDATIONS:

1. **THAT** Council endorse the new resolution outlined in Section 3.0 of this report for submission to the 2020 LMLGA AGM and the 2020 UBCM Convention.
2. **THAT** staff be authorized to forward a copy of this report, accompanied by any applicable background reports and information, to the UBCM, located at Suite 60, 10551 Shellbridge Way, Richmond, BC V6X 2W9.
3. **THAT** a copy of this report be forwarded for information to Burnaby MLAs and to Selina Robinson, Minister of Municipal Affairs and Housing.

REPORT**1.0 INTRODUCTION**

Each year, resolutions are considered for submission to the Lower Mainland Local Government Association (LMLGA) Annual General Meeting and the Union of B.C. Municipalities (UBCM) Convention. These resolutions are a means to request amendments to the *Community Charter*, *Local Government Act* and other Provincial or Federal legislation and policies to address issues of significance to local government.

This report presents a new resolution for Council's consideration as a submission to the 2020 LMLGA AGM and the 2020 UBCM Convention. The UBCM Convention will take place from 2020 September 21 – 25, in Victoria B.C. The deadline for any further resolution submissions made directly to the UBCM is 2020 June 30.

For the convenience of Council, this report also details senior government response to resolutions previously approved by Council and submitted to the UBCM Convention in 2018 and 2019.

2.0 POLICY

The proposed 2020 resolutions are aligned with the City of Burnaby's *Corporate Strategic Plan* by supporting the following goals and sub-goals of the Plan:

- ***A Connected Community***
 - Partnership – Work collaboratively with businesses, educational institutions, associations, other communities and governments
- ***An Inclusive Community***
 - Serve a Diverse Community – Ensure City services fully meet the needs of our dynamic community
 - Create a Sense of Community – Provide opportunities that encourage and welcome all community members and create a sense of belonging
- ***A Dynamic Community***
 - Community Development – Manage change by balancing economic development with environmental protection and maintaining a sense of belonging

3.0 2020 UBCM RESOLUTION

This section provides background information on a new resolution that has been developed for Council's consideration and possible submission to the 2020 LMLGA AGM and UBCM Convention.

3.1 ***Resolution: Increase Effectiveness of Tenant Assistance***

The British Columbia *Residential Tenancy Act* (RTA) establishes the rights and responsibilities of landlords and tenants. Under the *RTA*, a landlord who wishes to end a tenancy in order to redevelop a rental property can only do so on certain grounds and must provide each tenant with at least four months' written notice and compensation equal to one month's rent. The landlord must have obtained required permits and approvals prior to issuing the notice, and must abide by other provisions governing special circumstances, such as fixed-term tenancies, vacancy prior to notice date, dispute resolution.

While the provisions of the *RTA* establish a landlord's obligation to tenants, many municipalities have adopted policies to secure supplementary assistance for tenants facing displacement due to redevelopment. The patchwork of tenant assistance policies and approaches from municipalities, while demonstrated to substantially benefit tenants, creates an unequal and uncertain environment for tenants, landlords, and developers. In 2016, Council sponsored a UBCM resolution to ask the Province to amend the *RTA* to include an improved and standardized approach to tenant assistance, helping to create even expectations across the province. While the provincial response at the time was to not amend the *RTA*, the City received correspondence from the Ministry of Municipal Affairs and Housing on 2020 January 17 indicating that the Province is now working with local governments to develop tenant compensation and relocation guidelines.

Currently under Section 298(2) of the *Local Government Act* and Section 54(2) of the *Community Charter*, a local government is limited in its ability to require tenant assistance. Specifically, it may only require it as a condition of rezoning approval, but not of development permit, building permit,

or demolition permit issuance. The *RTA* was amended in 2018 to require landlords to give tenants the first right of refusal to enter into a new tenancy agreement, at a rent determined by the landlord, if the landlord ends the tenancy due to renovation or repair. Should the landlord fail to provide the right of first refusal, the tenant is to be compensated 12 months' rent. While this new requirement will assist some tenants, benefits often required through municipal tenant assistance policies, such as financial assistance to help find alternate housing in the interim period and pay for moving expenses, are not required under the *RTA*, and may cause significant hardship for tenants, especially vulnerable tenants, such as seniors or individuals on limited or fixed incomes.

Furthermore, municipalities are limited in their ability to enforce the satisfactory completion of tenant assistance plans. For example, municipalities cannot withhold occupancy of a new building even if the property owner has failed to follow through with their required assistance to tenants of the building that was demolished. The availability of additional tools to help ensure all agreed upon tenant assistance is delivered are desirable.

The *Employment and Assistance Regulation* and the *Employment and Assistance for Persons with Disabilities Act* regulate the provision of income assistance in British Columbia. Staff received confirmation from the Ministry of Social Development and Poverty Reduction that rent top-ups provided for tenants as required by a tenant assistance policy will be considered income under the above regulations and therefore would negatively affect tenants who receive income assistance or disability assistance payments. As a goal of a tenant assistance policy is to keep tenants housed while minimizing stress and life disruption resulting from displacement due to redevelopment of rental housing, a tenant's ability to maintain their income levels while awaiting tenancy in a new building would be in keeping with this goal.

In addition, the nature of a tenant assistance policy requires that tenants' personal information is collected for the purposes of provision of assistance. Collection and sharing of personal information is governed by the *Freedom of Information and Protection of Privacy Act (FIPPA)* and the *Personal Information Protection Act (PIPA)*. These Acts are complex and difficult to navigate. To assist with the application of this legislation, it is requested that a guidance document specific to tenant assistance policies be developed to assist municipalities and property owners with adherence to the respective Acts.

To expand tenant protections beyond the current legislative scope, the following resolution has been prepared for Council's consideration:

RESOLUTION: Supporting Tenants and Local Governments in the Delivery of Tenant Assistance

WHEREAS municipalities have limited authority to require enhanced protections for tenants, except in limited instances, such as rezoning applications;

AND WHEREAS the benefits provided to tenants under municipal tenant assistance policies often help vulnerable individuals and families in the community, including those receiving income assistance from senior levels of government;

To: City Manager
From: Director Planning and Building
Re: 2020 UBCM Resolutions
2020 February 19.....Page 4

AND WHEREAS even when local government tenant assistance policies may apply, implementation and enforcement of municipal tenant assistance plans are challenging due to overarching provincial mandates, jurisdiction, and processes;

THEREFORE BE IT RESOLVED that UBCM urge the provincial government to review the *Residential Tenancy Act* and other provincial legislation to:

- Allow municipalities the ability to require tenant assistance for additional types of permits and applications, and provide municipalities greater enforcement powers to ensure compliance and delivery of tenant assistance benefits secured by local governments;
- Ensure monthly rental supplement payments received during displacement as benefits under municipal tenant assistance policies are not considered income, which may inadvertently affect an individual's ability to qualify for income and disability assistance programs and other financial assistance; and,
- Have the Office of the Information and Privacy Commissioner for British Columbia create guidance documents for municipalities and landlords on the collection of personal information for the purpose of tenant assistance policies.

3.2 Next Steps

Pending approval by Council, the proposed new resolution will be forwarded to the Lower Mainland Local Government Association (LMLGA) AGM (deadline 2020 March 05) and the Union of BC Municipalities (UBCM) annual Convention (2020 September 21 – 25) for discussion and endorsement consideration. The UBCM deadline for any further resolutions desired by Council is 2020 June 30.

4.0 2019 UBCM RESOLUTIONS

4.1 Resolution: Elected Local Government Officials Participation in the Municipal Pension Plan

At its meeting on 2019 March 25, Council approved a resolution urging the Province to enable elected local government officials to participate in the provincially administered pension plans in place in these jurisdictions. Currently in British Columbia elected officials do not meet the employee eligibility requirements to become members of the Municipal Pension Plan. This is based upon the Plan's definition of an eligible employee. Elected officials hold tenure of office and as such they are not bound by a contract of service as would normally apply to an 'employee'. As there is no contract of service with specific duties and responsibilities that would exist in a typical employee/employer relationship, members of Council are not considered to be an employee under the Municipal Pension Plan and are therefore not eligible for membership in the plan.

This resolution was endorsed at the 2019 UBCM Convention. The Ministry of Finance and the Public Sector Employers' Council Secretariat responded to this resolution in 2020 February. They recognized the important role of elected local officials in helping communities grow and the commitments that often last many years. They state that a first step in considering the inclusion of local government officials in the Municipal Pension Plan is to identify any barriers, including legal barriers. Ministry of Finance staff have initiated stakeholder engagement such as with the BC

Pension Corporation on potential challenges that exist before considering amendments to the *Public Sector Pension Plans Act*.

4.2 Resolution: BC Building Code Alignment with National Building Code of Canada – Secondary Suites

Council also adopted a resolution urging the provincial government to align the provisions for secondary suites in the British Columbia Building Code with those of the National Building Code. While some provinces, such as Saskatchewan and Nova Scotia, adopt the National Building Code in its entirety, British Columbia publishes its own Code through regulations that are informed by the National Building Code. Variations between the two codes can sometimes cause unnecessary confusion and limit the possibilities for creation of rental housing.

For example, the BC Building Code 2018 currently does not permit secondary suites in a duplex or other multi-family building such as a townhouse. However, the National Building Code 2015 does outline provisions for including suites in multi-family buildings. Secondary suites are an affordable rental alternative to apartment living for many individuals and families in tight housing markets across B.C. As such, limiting the creation of such suites through the BC Building Code regulations is problematic, particularly when the National Building Code permits them.

The recently updated 2018 BC Building Code has in many respects moved closer, or exceeds, the standards contained within the most recent 2015 National Building Code. For example, the BC Building Code 2018 combines the requirements of the National Building Code 2015 with B.C.'s existing requirements to achieve a higher level of building accessibility. However, standards relating to secondary suites have not been harmonized between the two Codes leading to missed rental housing opportunities. This is a common experience of many local governments across British Columbia, particularly those in the Lower Mainland and Southern Vancouver Island.

At the 2019 UBCM Convention, this resolution was not considered at the Convention due to a lack of time and was therefore referred to UBCM Executive for further review. The Executive Committee referred the resolution to an UBCM Committee for consideration and recommendations. Staff will update Council should the results of that review be received.

5.0 2018 UBCM RESOLUTIONS

5.1 Resolution: Taxation Reforms to protect farming uses in the Agricultural Land Reserve

At its meeting of 2018 March 12, Council approved a resolution urging the Province to pursue taxation reform mechanisms to protect Agricultural Land Reserve (ALR) land for farming uses. The ALR is a provincial zone in which agriculture is recognized as the priority use. Farming is encouraged and non-agricultural uses are restricted. The zone is managed by the Provincial Agricultural Land Commission (ALC). Burnaby's agricultural lands are located in the Big Bend area, and include 234 hectares within the ALR as well as lands outside the ALR that are zoned for agriculture.

To: City Manager
From: Director Planning and Building
Re: 2020 UBCM Resolutions
2020 February 19.....Page 6

The resolution was prepared as a result of a discussion stemming from *The Metro Vancouver Regional Report (Summer 2010 & 2011) Agriculture Land Use Inventory*, which outlines that only 13 percent of the ALR in Metro Vancouver is used solely for farming, with another 43 percent used for farming in combination with other uses (e.g. residential). This resolution was endorsed at the 2018 UBCM Convention.

In 2018 November, the Provincial Government introduced Bill 52, the *Agricultural Land Commission Amendment Act*. The Bill restricts the size of residential buildings on ALR lands to 5,400 square feet. Exemptions would be potentially available should special circumstances warrant (e.g. multi-generational farming family living together). As well, existing homes and homes well advanced in construction are exempt. The Bill also eliminates the previous two zone administrative structure (i.e. Zone 1: Island, Okanagan, South Coast / Zone 2: Interior, Kootenay, North), and increases penalties for the dumping of construction debris and other toxic waste on ALR land.

On 2018 November 27, Bill 52 received Royal Assent and the changes officially took effect on 2019 February 22. As well, in its response to the resolution noted above, the Ministry of Agriculture noted that “Ministry staff are working with the Ministry of Municipal Affairs and Housing and the Ministry of Finance to explore potential options to better ensure farm property tax benefits support the intended recipients”.

In its final report released on 2019 April 30, *Revitalizing the Agricultural Land Reserve and the Agricultural Land Commission: Final Committee Report to the Minister of Agriculture*, the Minister of Agriculture’s Advisory Committee proposed 32 recommendations under three strategic shifts: agriculture first ALR governance; a protected, productive ALR; and farmer and rancher resilience in the ALR; to support agriculture in the province. Under the farmer and rancher resilience in the ALR strategic direction, the Committee recommended that the Ministry of Agriculture consider reviewing and increasing the income threshold for farm properties qualifying for the BC Assessment Farm Class. The Ministry of Agriculture has yet to initiate work on this particular recommendation.

5.2 Resolution: Software Consumer Protections for Public Institutions

At its meeting of 2018 March 12, Council approved a resolution asking for the Federal government to consider additional consumer protection mechanisms for public institutions when purchasing software as well as related support and maintenance programs. This resolution arose from concerns discussed by Council in Fall 2018 regarding the significant financial pressure upon cities and other public institutions to make financially prudent software investment decisions while still maintaining an expected level of electronic customer service. More specifically, the terms and conditions imposed by the software/technology vendors are becoming increasingly problematic in terms of accelerated product obsolescence, total cost of ownership and the ability to maintain citizen data across the entire product lifecycle.

This resolution was endorsed at the 2018 UBCM Convention. To date, no response has been received from the Federal government. Staff will update Council should a response be received.

To: City Manager
From: Director Planning and Building
Re: 2020 UBCM Resolutions
2020 February 19.....Page 7

5.3 Resolution: Enhanced Municipal Bylaw Fine Collection Procedures

At its meeting of 2018 March 12, Council approved a resolution requesting the Provincial Government to further streamline the mechanisms available for local government when collecting bylaw fines, particularly those that are outstanding. The existing processes available to local governments are time-consuming, costly and onerous for local governments. For example, the court online filing system for unpaid fines could be improved so that multiple fines outstanding against one person could be filed together, rather than separately as currently required. This simple change would reduce both the time and filing administration costs (charged by the courts for each filing) borne by cities, and correspondingly increase the rate of fine collection.

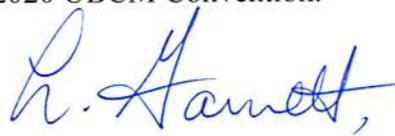
This resolution was endorsed at the 2018 UBCM Convention, and was similar to another resolution submitted by the Resort Municipality of Whistler. In its response, the Ministry of Municipal Affairs and Housing stated that there are other reasonable remedies available to local governments for levying, administering, and collecting fine violations and that the Province is not currently prepared to examine this matter. No further response has been received from the Province on this topic.

6.0 SUMMARY AND CONCLUSION

This report proposes one new resolution for submission to the 2020 LMLGA AGM and UBCM Convention. For the convenience of Council, the report also provides an update on resolutions submitted in 2018 and 2019.

It is recommended that Council endorse the new resolution, as outlined in Section 3.0 of this report, for submission to the LMLGA AGM and 2020 UBCM Convention. It is also recommended that staff be authorized to forward a copy of this report, accompanied by any supporting background reports and information, to the UBCM. Finally, it is recommended that a copy of this report be circulated to Burnaby MLAs and to Selina Robinson, Minister of Municipal Affairs and Housing for information.

Any additional resolutions which may come forward subsequent to this report, and prior to the 2020 June 30 UBCM deadline, may be submitted directly to the UBCM for possible consideration at the 2020 UBCM Convention.


for: E.W. Kozak, Director
PLANNING AND BUILDING

CS:sa

cc: Director Corporate Services
Director Engineering
Director Finance
Director Parks, Recreation and Cultural Services
Director Public Safety and Community Services
City Clerk

Fire Chief
Chief Building Inspector
Chief Librarian
City Solicitor
OIC – RCMP