



Jonathan X. Côté
Mayor

March 4, 2021

VIA EMAIL

Dear Mayor and Council,

Re: Local Government Election Candidates: Access to Multifamily Dwellings during the Campaign Period

As part of the City of New Westminster's review of the 2018 municipal election, staff and Council noted that voting data indicated that there were fewer voters from multifamily homes. This caused concerns because participation in elections is the right of all citizens. One of the reason for this lower turnout may be the inability of local government candidates and their representatives to canvass in multifamily residences. This is in contrast to Federal and Provincial candidates, who have legislated access to these types of buildings. As developers and governments encourage the building of multifamily housing to address the housing crisis, we anticipate that this issue will continue to grow. Therefore the New Westminster City Council at the March 1, 2021 regular meeting passed the following resolution:

WHEREAS Provincial and Federal elections candidates can access all different types of multifamily dwellings, including apartments, strata and co-operative housing for the purposes of canvassing or providing candidate information, as provided for in Section 228.01 of the British Columbia Election Act and Section 81 of the Canada Elections Act, respectively;

AND WHEREAS Local Government elections candidates can access only rental buildings for the purposes of canvassing or distributing candidate information, as provided for in Section 30(2) of the Residential Tenancy Act;

THEREFORE BE IT RESOLVED THAT the Lower Mainland Local Government Association (LMLGA) and Union of BC Municipalities (UBCM) request the Province of British Columbia enact legislation that gives Local Government Election Candidates access to all types of multifamily dwellings, including housing

Copy to:

Acting City Manager
Dir. Corporate Services
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Office of the Mayor

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cooperatives and strata, for the purposes of canvassing or distributing candidate information;

AND BE IT FURTHER RESOLVED THAT the Lower Mainland Mainland Local Government Administration (LMLGA) and Union of BC Municipalities (UBCM) request the Provincial Government enact this legislation in time for the 2022 Local Government Elections.

I am writing to ask for the support of your municipality for this motion at the LMLGA Virtual Conference in May.

A council report giving more background is attached.

If you have any questions or would like more information, please contact me at jcote@newwestcity.ca or 604-527-4522.

Thank you for your attention to this matter.

Yours truly,



Jonathan X. Côté
Mayor

Att: Backgrounder: Access to Multifamily Dwellings for Local Election Candidates

City of New Westminster

Backgrounder: Access to Multifamily Dwellings for Local Election Candidates

With many municipalities responding to the housing crisis in British Columbia by building multifamily housing options, ensuring there is access for election candidates to these housing forms is critical for both voters to enable them to be informed about the election and for candidates seeking to make their case for voter support.

In analyzing the City of New Westminster 2018 Municipal Election, staff discovered that areas with predominantly multifamily housing types - the Brow of the Hill (17%) and Downtown (18.7%) - had a lower voter turnout than predominantly single family areas such as Queens Park (21%) and Glenbrooke North (22%) .

One of the reasons for this may have been a lack of awareness of the election (and therefore candidates), and the methods of Elections Office outreach may not have sufficiently penetrated predominantly multifamily residences and neighbourhoods.

The 2018 analysis outlined above supports the idea that improving candidate access to multifamily dwellings may help increase voter participation in democracy. Supporting candidates in accessing multifamily dwellings, will allow more voters to "meet the candidate" and talk to them, generating more awareness of both the election and the candidates running for office.

Review of BC Legislation

There are three pieces of legislation to consider in BC. The *Local Government Act* (Section 3), provides the rules for municipal elections, but is silent on election candidates accessing multifamily residences. The other two pieces of legislation - the *Election Act* and the *Residential Tenancy Act (RTA)* – provide guidance on this matter.

Election Act

Section 228.01 of the *Election Act* addresses Provincial government candidates access to housing cooperatives, strata and rental properties. Specifically:

228.01 (2) The following individuals and organizations must not unreasonably restrict access to residential property by a candidate or an authorized canvasser for the purposes of canvassing voters and distributing candidate information:

- (a) a housing cooperative or individual acting on behalf of a housing cooperative;
- (b) a landlord or individual acting on behalf of a landlord;
- (c) a strata corporation or individual acting on behalf of a strata corporation.

However, the *Election Act* applies only to candidates for Provincial elections. Federal candidates are provided the same access in Section 81 of the *Canada Elections Act*, except for dwellings where residents' physical or emotional well-being might be harmed as a result of canvassing or campaigning.

Residential Tenancy Act

Section 30(2) of the *Residential Tenancy Act* states:

A landlord must not unreasonably restrict access to residential property by

(a) a candidate seeking election to the Parliament of Canada, the Legislative Assembly or an office in an election under the Local Government Act, the School Act or the Vancouver Charter, or

(b) the authorized representative of such a person

who is canvassing electors or distributing election material.

This applies only to rental properties, and not to other forms of multifamily dwellings, such as strata or co-operative housing. Access to manufactured home parks is provided in Section 24 of the *Manufactured Home Park Tenancy Act*. There is no Provincial legislation in place that allows local government election candidates reasonable access to other forms of multifamily dwellings for the purposes of canvassing or distributing election material.

Review of Legislation from Other Canadian Jurisdictions

Since municipalities are creatures of the Provinces, there are a variety of different ways that Provinces deal with access to multi-family residences for local elections candidates. These methods can be divided into two main categories: Provinces that have specific legislation regarding the municipal elections, and provinces that use other legislation to enable such access.

Provinces Allowing Access to all Multifamily Residences

Four provinces have legislation regarding municipal election candidate access usually allow access to all types of multifamily dwellings.

Province	Legislation Name & Section	Intent of Section
Ontario	Municipal Elections Act S. 88.1	No candidate/representative can be prevented from campaigning between 9am and 9 pm at the doors to apartments, units, or houses.

Alberta	Local Authorities Election Act S. 52	A candidate/representative with identification in the prescribed form may not be obstructed from free access to each residence in a building with two or more residences.
Manitoba	Municipal Councils and School Boards Elections Act	No candidate/representative with identification may be prevented from canvassing or distributing election material at the door of each residence in an apartment, condominium complex, or other multiple-unit residence.
Nova Scotia	Municipal Elections Act S. 54A	A candidate or candidate's representative may enter any apartment building or other multiple residence during reasonable hours for the purpose of lawfully campaigning.

Provinces Providing Access to Multifamily Rental Dwellings

New Brunswick, Newfoundland and Labrador, and Saskatchewan are similar to British Columbia in that they provide access to rental dwellings for candidates under their *Residential Tenancy Act* (or similar legislation), but have no regulations around strata/condominium access:

Other Provinces

Quebec, and Prince Edward Island appear to have no current legislation regarding access to multifamily dwellings. Prince Edward Island is in the process of replacing its *Rental of Residential Properties Act* with a *Residential Tenancy Act*. The wording to allow candidates access to rental buildings is included in the proposed *Act*.

Discussion

From the review of the legislation it appears that BC is not in line with the majority of provinces in Canada in allowing municipal candidates access to all multi-family dwellings types. Given the increasing predominance of this form of housing type in British Columbia this lack of access places both the candidate and the voter at a disadvantage as the results of the 2018 election data indicates.

Conclusion

To allow residents of all types of multifamily housing full participation in municipal elections via the receiving of volunteer delivery literature, to conversation on the door step, and to bring BC into line with other provinces, New Westminster requests support from LMLGA and UBCM members in asking the Provincial Government to modify local government election legislation to enable candidates and their representatives access to all housing forms in time for the 2022 municipal elections.