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**TO:** CHAIR AND MEMBERS  
PLANNING AND DEVELOPMENT COMMITTEE

**DATE:** 2022 August 30

**FROM:** GENERAL MANAGER  
PLANNING AND DEVELOPMENT

**FILE:** 16000-00  
*Reference: TAP*

**SUBJECT:** TENANT ASSISTANCE POLICY TWO YEAR REVIEW

**PURPOSE:** To provide an update on the implementation of the Tenant Assistance Policy and to present an amended policy for consideration.

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#### RECOMMENDATIONS:

1. **THAT** the Committee recommend that Council adopt the proposed amendments to the Tenant Assistance Policy, as outlined in *Section 6.0* of this report.
2. **THAT** the Committee recommend that Council adopt the amended Tenant Assistance Policy *attached* as *Appendix B*, with a delayed effective date of 2023 January 01.
3. **THAT** a copy of this report be shared with rental housing stakeholders including the Association of Community Organizations for Reform Now (ACORN), LandlordBC, the Tenant Resource and Advocacy Centre (TRAC), and Urban Development Institute (UDI).

### REPORT

#### 1.0 INTRODUCTION

On 2019 December 02, Council approved-in-principle a revised Tenant Assistance Policy (TAP), subject to further consultation with stakeholders. The TAP in its current form was approved in March 2020 with direction for staff to provide an update to Council in two years. This report provides the two year update on the implementation of the TAP and presents a revised TAP that captures policy amendments based on feedback received from stakeholders and tenants, and from staff's experience in administering the program over the last two years.

In 2018, the Mayor's Task Force on Community Housing (MTFCH) was created with the goal of providing recommendations to Council on policies, strategies and actions to improve housing affordability and increase housing supply and diversity. The *MTFCH Final Report* was presented to Council in July 2019 and included a Quick Start action to "*adopt a robust tenant relocation policy*" to provide better support to tenants displaced as a result of redevelopment requiring rezoning. The current TAP was the result of this action.

## 2.0 POLICY CONTEXT

The implementation of the TAP supports and aligns with various City policies including: the *Mayor's Task Force on Community Housing Final Report* (2019), *Rental Use Zoning Policy* (2019), and *HOME: Housing and Homelessness Strategy* (2021). The TAP further addresses housing needs identified in the *Burnaby Housing Needs Report* (2021).

Adopted by Council in May 2019, the Rental Use Zoning Policy (RUZP) is a key City policy that works in parallel with the TAP. The RUZP supports the City's goal of improving housing affordability, increasing rental housing stock to meet the needs of Burnaby residents, and facilitating the replacement of rental units lost through redevelopment. The RUZP framework provides four streams to support the aforementioned goals; specifically: rental replacement, inclusionary rental, voluntary rental housing in commercial districts, and protection of existing rental sites. The streams aim to balance the creation of below-market rental housing for residents in need and increase the overall rental housing supply in Burnaby.

Under the rental replacement stream, developers seeking rezoning are required to replace rental units lost to redevelopment at a 1:1 ratio. Tenants eligible for compensation under the TAP are offered the Right of First Refusal for the replacement rental unit at the rent they paid at the time of move out at the rezoning application site, plus annual rent increases per the *Residential Tenancy Act (RTA)*.

## 3.0 CURRENT TENANT ASSISTANCE POLICY

While all aspects of rental tenancies in British Columbia are under the jurisdiction of the Province, the City of Burnaby implemented its first TAP in April 2015 to better support renters in Burnaby. The policy has since been revised multiple times, with the current TAP based on recommendations from the MTFCH, receiving approval-in-principle on 2019 December 02 and final approval on 2020 March 09. The goal of the TAP is to minimize the impact of redevelopment on tenants living in purpose-built rental buildings with five or more units undergoing a rezoning process.

The current TAP *attached* as *Appendix A* provides various provisions to help reduce the impact of redevelopment on tenants including:

### 3.1 Financial Compensation

Under the TAP, eligible tenants receive financial compensation in the form of rent top-ups to help bridge the gap between the rent they were paying at the unit affected by rezoning and the rent they pay at the interim unit, while they wait for the replacement units to be built. This helps to lessen the financial burden on the affected residents for the duration of construction of the replacement units. Tenants interested in accessing rent top-ups during the interim period have the option to: a) have interim housing secured by the rezoning applicant; or b) find their own interim housing.

Under specified circumstances, eligible tenants can request a one-time lump sum payment instead of rent top-ups. This option is available to tenants who: purchase a property as a permanent residence; relocate outside British Columbia; join the military; move into assisted living or a long term care facility; or relocate into a living arrangement that does not require ongoing rent payments.

### 3.2 Moving Assistance

Under the TAP, eligible tenants are provided with moving assistance to support the two moves: from the unit affected by the rezoning to the interim unit, and from the interim unit to the replacement unit once it is ready for occupancy. Tenants can choose to have moving arranged by the rezoning applicant or they can opt for a flat rate, based on the unit type they have/had on the eligibility date.

### 3.3 Right of First Refusal (RoFR) for the Replacement Unit

All eligible tenants, regardless of the compensation option they select, have the RoFR for a replacement unit under the Council-adopted RUZP. Eligible tenants who choose to return to the replacement units upon construction completion have starting rent set at the rent they were paying at move out from the unit affected by rezoning, plus any annual rent increases as per the RTA between move out from the unit affected by rezoning and when they move in to the replacement unit.

If an eligible tenant chooses to not return to a replacement unit, the replacement unit will be made available to another qualified resident at an affordable rate – 20% below the Canada Mortgage and Housing Corporation (CMHC) median rent, as per the RUZP.

## 4.0 TENANT ASSISTANCE POLICY ACHIEVEMENTS

The current TAP has been in effect since 2019 December 02, when it was approved in-principle by Council. To-date:

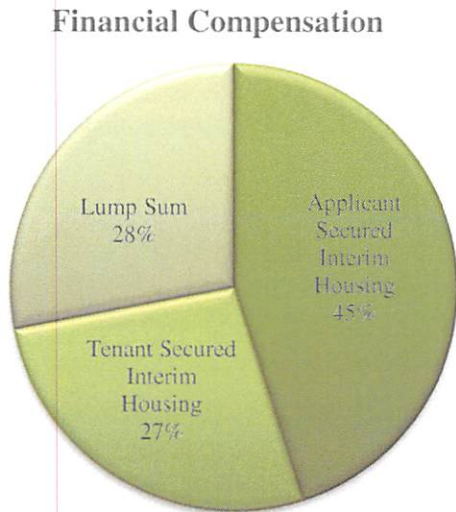
- There are 33 rezoning applications with five or more existing purpose-built rental units that are subject to the current TAP.
  - This equates to approximately 2,300 units, all of which will be replaced at a 1:1 ratio as required by the RUZP.
- The TAP implementation is underway for 25 rezoning applications.
- 24 “tenant meetings”, which is the initial meeting the rezoning applicants hold with tenants to inform them of the development and the TAP, and which City staff attend, have been held.

To enable effective implementation of the TAP, staff created a database and implementation documents to track compensation options selected by tenants. A Tenant Assistance Form (TAF) was prepared for tenants to indicate their preferred financial and moving compensation options and other relevant information. Where applicable, tenants specify accessibility needs they would like to have considered at the replacement unit. The TAFs are distributed after the tenant meeting has been held, to ensure tenants receive information about the TAP and understand the options available to them prior to selecting their preferred compensation option. Tenant meetings are hosted jointly by the City and the rezoning applicant or designated Tenant Relocation Coordinator.

To date, 883 households have completed and submitted their TAFs indicating their preferred compensation option, which is summarized in *Figure 1*. It should be noted that the statistics presented in *Figure 1* are subject to change as implementation of the TAP continues, with the City’s Renters Office continuing to receive completed TAFs, and tenants being able to switch compensation options as their circumstances change.

### Figure 1: TAP Compensation Options Selected by Tenants

Of the 883 households who have indicated their preferred compensation option:



- 633 tenants have opted for rent top-ups during the interim period.
  - Of these, 393 households (45%) have opted for the rezoning applicant to help them in finding interim housing;
  - 240 households (27%) preferred to find their own interim housing.
- 251 (28%) tenants have formally requested lump sum payment.
  - Of those requests, 193 (77%) have been approved as they met the exceptions outlined in the TAP.
  - 58 (23%) requests are pending, awaiting required supplemental documentation from the tenants.

## 5.0 CONSULTATION

As part of the TAP two year review, opportunities were offered to stakeholders to provide feedback on the implementation of the TAP to date. Focus groups were held with rezoning applicants, Tenant Relocation Coordinators and City staff to understand specifically what is working well and implementation areas that require improvement. Further, an online survey was sent to tenants who have undergone the preliminary stages of TAP implementation and have submitted a completed TAF seeking their feedback on the overall implementation of the TAP.

Further, stakeholders involved in the creation of the current TAP, such as tenant and landlord advocacy groups, were engaged and updated on the progress on TAP implementation and informed of the policy amendments under consideration.

It should be noted that because none of the projects implementing the TAP have reached occupancy, consultation with stakeholders has only been on implementation to date and not on the full process. In light of this, the feedback gathered to date will not fully reflect the total impact TAP has had on tenants affected by redevelopments requiring rezoning. City staff will continue to monitor developments subject to TAP as they near occupancy to better understand the effectiveness of the TAP and any potential challenges that occur as part of implementation.

## 6.0 PROPOSED AMENDMENTS TO THE TAP

Through the implementation of the TAP and based on feedback from the consultation with stakeholders, policy and implementation gaps were identified. To enable continued effective implementation of the TAP, staff propose the below options be considered as amendments to the TAP. These recommendations do not alter the intent of the TAP. Rather, the proposed amendments are

envisioned to help enhance the implementation process and deliver greater transparency and clarity to tenants and the development community.

## 6.1 Applicability

### Current Provision

The TAP applies only to privately-owned multiple family rental buildings with five or more dwelling units.

### Discussion

Tenants living in purpose-built rentals with less than five units consolidated into a redevelopment project face displacement and disruption as a result of redevelopment requiring rezoning.

### Recommendation

It is proposed that the TAP be expanded to also apply to purpose-built and secondary market rental buildings with less than five units, which are being consolidated into a larger redevelopment project for purposes of building purpose-built rental housing. This is to ensure the equitable treatment of all renters impacted by the rezoning application, as they would all be subject to the TAP, as opposed to the current policy where only the tenants living in the purpose-built rental building with more than five units would receive the enhanced benefits offered by the TAP.

## 6.2 Caretaker Unit Eligibility

### Current Provision

The current TAP does not specify compensation options for a caretaker unit.

### Discussion

As a result of redevelopments, caretakers face displacement and disruption like other tenants.

### Recommendation

It is proposed that caretakers paying reduced rent as a condition of employment be granted moving compensation and a replacement unit in accordance with the RUZP. Rent for the replacement unit will be based on the average rent that tenants with a similar unit type were paying at move-out.

## 6.3 Tenant Relocation Coordinator

### Current Provision

A Tenant Relocation Coordinator must be designated by the rezoning applicant to assist tenants in finding alternate housing options as required by *Section 4.2.1(1)* of the TAP, and to assist with the delivery of the rezoning applicant's obligations outlined in this policy. The Tenant Relocation Coordinator is the primary contact with the City on tenant-related matters and must be responsive to both the City and tenants, including being available to answer questions by phone and email at regular and consistent hours.

### Discussion

The implementation of the TAP is administratively tasking and requires a full-time dedicated staff to help the rezoning applicant fulfill their obligations, and to assist tenants to access benefits as established in the TAP. The obligations of a caretaker/property manager/building manager are therefore difficult to combine with that of a Tenant Relocation Coordinator. In some instances,

caretakers are eligible tenants who are also accessing benefits. Thus, to protect the privacy of other tenants, and to avoid conflict of interest, these roles should be separate.

#### Recommendation

Staff recommend including a clause to clarify that a caretaker, property manager, building manager or superintendent cannot be appointed as a Tenant Relocation Coordinator, in addition to a statement that the City's preference is for a Tenant Relocation Coordinator be an independent third-party consultant, whenever feasible. While the City has heard some feedback from the advocacy community that a Tenant Relocation Coordinator being an independent third-party consultant should be a requirement under TAP, the limited number of third-party consultants who do this type of work means a potential for delayed service for tenants, as well as delayed processing of rezoning applications due to rezoning applicants being unable to secure a consultant for this position.

### **6.4 Financial Compensation: Heat and Hot Water Supplements for Option 1 – Rezoning Applicant-Secured Interim Housing**

#### Current Provision

Where heat and hot water are included in the rent at the application site, monthly heating supplements are provided to eligible tenants in accordance with BC Housing's Monthly Heat Allowance Rates, and the hot water supplement is determined using Fortis BC's Appliance Cost Tool.

#### Recommendation

Due to the complexity in using the Fortis BC's Appliance Cost Tool to determine the hot water supplement and in the absence of an alternative tool, it is recommended that the "gas" supplement established in BC Housing's Monthly Heat Allowance Rates is paid to tenants who are required to pay a separate hot water bill at the interim unit. The heat supplement will remain and continue to be determined using BC Housing's Monthly Heat Allowance Rates.

### **6.5 Financial Compensation: Lump Sum**

#### Current Provision

The lump sum option is currently provided on an exception basis only. Circumstances under which the lump sum option may be granted include:

- purchasing a property as permanent residence;
- relocating outside BC;
- moving into assisted living or other long term care facility;
- moving into a living arrangement that does not require ongoing rent payments; or
- joining the military.

#### Discussion

In consultation with stakeholders involved in the implementation of the TAP, there were comments on the prescriptiveness of the lump sum option and the inability of tenants to decide what suits their household needs best. Some tenants have also shared their preference to "opt out" of moving assistance and other compensation that requires ongoing communication with the rezoning applicant and/or the City.

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Tenants who wish to opt out should have the flexibility of getting the lump sum payment. Selection and payment of any compensation will be made after an initial tenant meeting has been held and tenants have been informed of the TAP and alternative compensation options established in the TAP. This is to ensure tenants are informed of all the compensation options available to them prior to selection.

### Recommendation

It is proposed that the lump sum option be made available to any eligible tenant of new rezoning applications submitted on or after 2023 January 01. This will also be an option for tenants who wish to opt out of the TAP. It is further proposed that this particular amendment, if approved, be made available to eligible tenants of in-stream rezoning projects, who have previously requested a lump sum payment but did not meet the exception criteria. The extension of this specific amendment to eligible tenants of in-stream rezoning projects would ensure these tenants get the compensation option that best meets their household needs.

## **6.6 Plain Language Review**

Through the implementation of the TAP, staff received comments regarding the complexity of the TAP that has resulted in misinterpretation. As part of the policy review, staff worked with the Communications Department to complete a plain language review to achieve greater clarity and for purposes of policy simplification. The minor adjustments made on the revised policy *attached* as *Appendix B* do not alter the intent of the TAP. Instead, they help tenants, rezoning applicants and Tenant Relocation Coordinators to better understand the policy and provisions and lessen the chances of misinterpretation.

## **7.0 ADDITIONAL CONSIDERATIONS**

### **7.1 Rental Use Zoning Policy Review**

The TAP works in tandem with the Rental Use Zoning Policy that is also currently under review. Any changes in the provisions of the RUZP, such as density off-sets, financial compensation, RoFR and applicability that impact the TAP will need to be captured. If this is the case, a future report to Council will be brought forward to ensure consistency between the two policies.

### **7.2 Implementation**

The provisions of the current TAP will continue to apply to in-stream applications. The implementation of the revised TAP – *attached* as *Appendix B* – if adopted by Council will begin on 2023 January 01, and will apply to new rezoning applications submitted on or after the aforementioned date. Specifically, the lump sum provision in the amended TAP will be made available to eligible tenants of in-stream rezoning applications to better meet the needs of tenants. The delayed effective date is to allow staff time to update implementation documents, including templates, and the TAP implementation guide, and to communicate the revised TAP to stakeholders, including the development community.

Currently, information on the TAP is available on the City’s website and in a brochure. Tenants who live in buildings that are being redeveloped receive a package, delivered to their door, which includes information about the redevelopment, a copy of the Tenant Assistance Policy, and details of an upcoming tenant meeting.



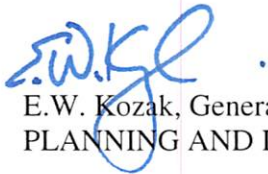
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### 7.2.1 Communications Strategy

For enhanced information outreach and education, staff will prepare a TAP communications plan. The strategy will capture actions and activities that will be undertaken by the Renters Office, including updating the current TAP brochure to reflect the amendments and to ensure the updated brochure is made available to the public at the City's civic, recreation, cultural and library facilities. Staff will further explore additional avenues to promote awareness of the TAP among renters, including potential community events and resources.

## 8.0 CONCLUSION

Overall, based on the data collected and feedback received from stakeholders, the implementation of the TAP has been successful and continues to meet the intended goal of supporting tenants affected by redevelopment(s) requiring rezoning. This implementation update report highlights progress made and identifies amendments and policy clarifications required to enable continued effective implementation of the policy, to help the City meet the overall housing needs in Burnaby and the goals of the TAP.



E.W. Kozak, General Manager  
PLANNING AND DEVELOPMENT

DJ:aab:sa  
*Attachments*

Copied to: Chief Administrative Officer  
Acting Chief Financial Officer  
General Manager Corporate Services  
General Manager Community Safety  
City Solicitor  
City Clerk



## Current Tenant Assistance Policy

### 1.0 POLICY INTENT

The Tenant Assistance Policy establishes standards for accommodating and assisting tenants of multiple family market rental buildings who are displaced from their homes as a result of major renovation or redevelopment that requires rezoning approval.

### 2.0 ROLE OF BRITISH COLUMBIA *RESIDENTIAL TENANCY ACT*

British Columbia's *Residential Tenancy Act (RTA)* regulates all tenancies in residential units across the province. It is essential for both landlords and tenants to understand their rights and responsibilities under the *RTA*.

The Tenant Assistance Policy does not replace requirements set out in the *RTA*. Instead, this policy is intended to supplement the *RTA* to help tenants impacted by renovation or redevelopment.

For more information on the *RTA*, please refer to the [Residential Tenancy Branch's website](#).

### 3.0 APPLICABILITY

#### 3.1 Housing Type

This policy applies to privately-owned multiple family rental buildings with five or more dwelling units.

This policy does not apply to community housing that is operated as below market rental by non-profit housing societies, housing co-operatives, the Provincial government, the City, regional government authorities, or Indigenous nations.

#### 3.2 Application Type

This policy applies to rezoning applications that impact the applicable housing type and result in tenant displacement due to demolition or renovation. Demolition or renovation of properties that are not associated with a rezoning application are not subject to this policy.

Rezoning applications that did not receive Second Reading by Council as of December 2, 2019 are subject to this policy, provided the application pertains to the applicable housing type. Rezoning applications that had received Second Reading by Council as of December 2, 2019 are subject to previous versions of this policy.

### **3.3 Eligibility Dates**

#### **3.3.1 For Rezoning Applications Made Prior to December 2, 2019**

As the City had previous versions of the Tenant Assistance Policy, the following eligibility dates establish when a tenancy is considered eligible under the current policy:

- For rezoning applications that received Council authorization for staff to work with the applicant on a suitable plan of development prior to December 2, 2019, the eligibility date is the Council authorization date.
- For rezoning applications that did not receive Council authorization for staff to work with the applicant on a suitable plan of development prior to December 2, 2019, the eligibility date is the date the application is submitted to the City.

#### **3.3.2 For Rezoning Applications Made After December 2, 2019**

For applications made after December 2, 2019, the eligibility date of establishing tenancy is the date the application is submitted to the City.

### **3.4 Eligible Tenants**

Benefits prescribed under this policy apply to tenants that have a tenancy agreement with the landlord on the eligibility date outlined in *Section 3.3*. Benefits are provided on a dwelling unit basis and will be distributed to those named on the written tenancy agreement. In the absence of a written tenancy agreement, benefits will be provided to all tenants who permanently reside in the affected dwelling unit. Eligible tenants who have received financial benefits under the previous Tenant Assistance Policy are eligible for a replacement unit only, as per the Rental Use Zoning Policy.

### **3.5 Designated Tenant**

Where there is more than one eligible tenant that resides in the dwelling unit, tenants are required to determine amongst themselves who will be the designated tenant and communicate this decision to the Tenant Relocation Coordinator. The designated tenant will be the primary communications contact for the applicant, Tenant Relocation Coordinator, and the City and shall be responsible for ensuring that all eligible tenants receive the benefits under this policy.

### **3.6 Ineligible Tenants**

The following tenants are not eligible for benefits under this policy:

- tenants who begin their tenancy after the eligibility dates outlined in *Section 3.3*;
- tenants who have or will be receiving top-up or lump sum compensation in accordance with the December 2, 2019 amendment to the Tenant Assistance Policy for another rezoning application and are eligible for and awaiting an offer of a replacement rental unit under that application;
- sub-tenants who do not have a tenancy agreement with the original landlord, unless the eligible tenant chooses to transfer benefits, in part or in whole, to the sub-tenant in writing;  
or

- roommates or occupants who are not named on a written tenancy agreement with the landlord, unless the tenant named on the written tenancy agreement chooses to transfer benefits, in part or in whole, to the roommate or occupant in writing.

At the applicant's discretion, ineligible tenants may be included in the Tenant Assistance Plan. Landlord obligations to tenants under the *RTA* continue to apply, whether tenants are eligible or not under this policy.

### **3.7 Units Vacant at Eligibility Date**

If a dwelling unit in a building is vacant on the eligibility dates outlined in *Section 3.3*, the last tenant of that unit in the 24 months preceding the submission of an application for rezoning may be eligible for benefits under this policy, if the City determines that the unit was vacated due to reasons inconsistent with the policy intent and overall goals of tenant protection.

This policy is not intended to be used as a proxy for retroactive compensation of tenants whose tenancies were ended in good faith.

## **4.0 TENANT ASSISTANCE**

Applicants must provide eligible tenants with the following benefits:

### **4.1 Tenant Relocation Coordinator**

A Tenant Relocation Coordinator must be designated by the applicant to assist tenants in finding alternate housing options as required by *Section 4.2.1(1)* of this policy, and to assist with the delivery of the applicant's obligations outlined in this policy.

The Tenant Relocation Coordinator will be the primary contact with the City on tenant-related matters and must be responsive to both the City and tenants, including being available to answer questions by phone and email at regular and consistent hours.

Tenant Relocation Coordinators must keep records of all written correspondence and notifications for one year following occupancy of the replacement units and provide these records to the City upon request.

### **4.2 Relocation Assistance**

#### **4.2.1 Financial Compensation**

Tenants may select one of two rent top-up financial compensation options, paid for by the applicant:

##### ***(1) Rent Top-Up in Applicant Secured Interim Housing***

Under this option, the applicant or Tenant Relocation Coordinator is responsible for finding three interim housing options for tenants. Options for interim housing are to be located in Burnaby, with priority for the same area as the residence of the tenant, unless otherwise agreed to by the tenant. Options are restricted to Metro Vancouver municipalities and should meet the tenant's needs as identified in their Household Needs Assessment form.

Responsibility for the tenant's rent, deposits and any rental increases at the applicant secured interim housing unit will be as follows:

- the tenant will be responsible for the amount equivalent to the tenant's rent at the Rezoning application site;
- the applicant will pay or pay to the tenant any rent amount which exceeds the tenant's rent at the Rezoning application site ("top-up");
- the applicant will pay or pay to the tenant any additional security and pet damage deposits, as applicable, for the interim housing unit, above the amount of such deposits for the tenant's unit at the Rezoning application site; and
- any rent increases, as permitted by the RTA, at the interim housing unit will be split between the tenant and applicant in proportion to the amount of rent each of the tenant and applicant are responsible for (per the first two bullets above).

If the rent under the tenancy at the Rezoning application site includes heat and/or hot water costs, and the rent for the interim housing unit does not, the applicant must provide an additional monthly financial supplement for heat and/or hot water costs. The monthly heating supplement is to be in accordance with BC Housing's Monthly Heat Allowance Rates, and the hot water supplement is to be calculated using Fortis BC's Appliance Cost Tool.

If the tenancy in an applicant secured interim housing unit ends due to no fault of the tenant prior to occupancy of the replacement unit, the applicant will be required to secure another interim rental unit for that tenant.

The "top-up" provided by the applicant will start on the date that the tenant moves into the applicant secured interim housing unit and end on the last day of the month after the determined move in date for a replacement unit, irrespective of whether or not the tenant relocates into a replacement rental unit provided by the applicant as part of the rezoning application.

OR

## *(2) Rent Top-Up in Tenant Secured Interim Housing*

Under this option, a tenant finds their own interim housing without the assistance of the applicant and at the rent amount chosen by the tenant.

Responsibility for the tenant's rent, deposits and any rental increases at the tenant secured interim housing unit will be as follows:

- the tenant will be responsible for the full amount of the rent for the interim housing unit and all security and pet damage deposits, as applicable;
- the applicant will pay to the tenant, on a monthly basis, a "top-up" for the difference between the tenant's monthly rent at the Rezoning application site and the tenant's monthly rent at the interim housing unit, up to a maximum of the greater of the following formulas:

*(Most recent CMHC Rental Market Survey (RMS) median rent at move-out for the applicable RMS zone and bedroom type + 30 percent) – tenant’s monthly rent at Rezoning application site*

OR

*Tenant’s monthly rent at Rezoning application site x 15 percent; and*

- any rent increases, as permitted by the RTA, at the interim housing unit will be split between the tenant and applicant in proportion to the amount of the “top up” (as calculated below) as compared to the full amount of the rent for the interim housing unit.

Tenants who elect to secure their own housing are entitled to start receiving the rent “top-up” on the date that all remaining eligible tenants in the Rezoning application site receive a Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of Rental Unit, or when no eligible tenants reside at the Rezoning application site, whichever comes first. The “top-up” provided by the applicant will end on the last day of the month after the determined move-in date for a replacement rental unit provided by the applicant as part of the rezoning application, irrespective of whether or not the tenant relocates into the replacement unit.

#### *Exceptions to Rent Top-Up Financial Compensation Options*

On an exception-only basis, tenants may receive a one-time lump sum payment as compensation from the applicant under this policy. The lump sum payment will be an amount equal to the greater of the following formulas:

*(Most recent CMHC Rental Market Survey (RMS) median rent at move-out for the applicable RMS zone and bedroom type + 30 percent) – tenant’s rent at applicant’s building) x 36 months*

OR

*(Tenant’s rent at applicant’s building x 15 percent) x 36 months*

Exceptions to which tenants may receive a one-time lump sum payment are as follows:

- tenant purchasing a property as a permanent residence;
- tenant moving into assisted living or other long-term care facility;
- tenant entering military service;
- tenant relocating to outside of British Columbia; or
- tenant relocating to a living arrangement that does not require ongoing rental payments.

A tenant seeking a lump sum exception must complete and submit a form to the City that attests to their eligibility for the exception request. Tenants who are eligible for and elect to receive lump sum compensation are entitled to receive the full payment on the date all remaining eligible tenants in the application site receive a Four Month Notice to End Tenancy

for Demolition, Renovation, Repair or Conversion of Rental Unit, or when no eligible tenants reside at the application site, whichever comes first. Tenants that select lump sum compensation continue to be eligible for a replacement unit at the redeveloped or renovated site.

#### **4.2.2 Moving Assistance**

Moving assistance is to be provided on a dwelling unit basis. Tenants may select one of two moving assistance options paid for by the applicant on the moving date:

*(1) An insured moving company arranged by the applicant*

- To include packing supplies if requested by the tenant.
- Only available to tenants relocating within Metro Vancouver.
- The household must determine a single destination for belongings if members choose to relocate to separate dwelling units.

OR

*(2) A flat rate payout, based on existing bedroom type, of \$900 for studio or one-bedroom units, \$1,200 for two-bedroom units, and \$1,400 for three bedroom or larger units.*

#### **4.2.3 Support for Vulnerable Tenants**

To mitigate the impacts of the relocation process on vulnerable tenants, applicants are required to provide additional support to individuals who request support. Support for vulnerable tenants includes early communication and notifications where appropriate, provision of transportation to view interim housing units, and packing assistance for those with mobility impairments.

#### **4.3 Replacement Unit**

Under the Rental Use Zoning Policy - Rental Replacement Stream, tenants that are eligible for assistance under the Tenant Assistance Policy are to be provided the opportunity to move into a new replacement unit upon completion by way of their right of first refusal. At a minimum, tenants will be offered a replacement unit that has the same number of bedrooms as the unit they formerly rented at the rezoning application site and will be provided the same moving assistance options outlined in *Section 4.2.2* to return to the replacement unit. Rents for the replacement units will be in accordance with the Rental Use Zoning Policy. Tenants who are displaced more than once and are eligible for multiple replacement rental units will have right of first refusal for replacement units at all sites where they formerly resided, but may only occupy one replacement unit.

Where tenants have identified accessibility requirements in their Household Needs Assessment form prior to relocating from the rezoning application site, the applicant should provide a replacement unit that meets their needs and be adaptable as defined by and in accordance with the BC Building Code, whether or not the tenant's unit at the rezoning application site is accessible.

## 5.0 IMPLEMENTATION

### 5.1 Tenant Compensation Selection

Tenant selection of their preferred financial compensation can only occur after the group tenant meeting organized by the applicant and attended by the City, as required by *Section 6.1* of this policy, has been held. Tenants are required to communicate their selected financial compensation option directly to the City using the form established by the City.

Tenants have up to the following dates to select their preferred compensation option:

<i>Financial Compensation Options</i>	
Option 1 – Applicant Secured Interim Housing	A minimum of 14 weeks prior to the effective date of a Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of Rental Unit and must not have received lump sum payment
Option 2 – Tenant Secured Interim Housing	On any date prior to the end of “top-up” entitlement, but must not have received lump sum payment
Exception – Lump Sum Compensation	On any date prior to the end of “top-up” entitlement

<i>Moving Assistance Options</i>	
Option 1 – Insured Moving Company Arranged by the Applicant	If Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of Rental Unit has <u>not</u> been served, a minimum of one full month’s notice
	If Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of Rental Unit has been served, a minimum of 10 days’ notice
Option 2 – Flat Rate Payout	On any date, but the tenant must not have previously requested the applicant to arrange for an insured moving company

Tenants are permitted to change their selected compensation option up to the timelines provided in this section. Tenants that are living in applicant secured housing can change to tenant secured housing or receive a lump sum payment, if they meet the exceptions stated above, up to the end of the “top-up” entitlement period. Tenants that have received moving assistance when moving out of the rezoning application site will not receive supplementary moving assistance if they choose to change their financial compensation option.

Tenants that have received additional money to supplement a security and/or pet deposit for applicant secured housing who then change to another compensation option must return this additional amount to the applicant in accordance with *Section 5.3* of this policy. Tenants that meet the exceptions who would like to change to lump sum compensation sum will have the sum of top-up compensation payments subtracted from the amount of the lump sum they are eligible to receive.

### 5.2 Household Needs Assessment Form

To document pertinent details of tenants’ existing tenancy, information about the household’s needs for their replacement unit, and to determine other benefits of this policy where applicable, tenants



must complete a Household Needs Assessment form prior to vacating their rental unit. The Household Needs Assessment form is established by the City, and will be available from Tenant Relocation Coordinators to whom this form will be submitted. The Tenant Relocation Coordinator will provide a report, in a manner specified by the City, summarizing the needs of the tenants and proposed benefits being provided to them. Tenants that desire applicant secured housing must complete the form and provide it to the Tenant Relocation Coordinator a minimum of 12 weeks prior to the effective date of Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of Rental Unit.

### **5.3 Return of Additional Deposits Received for Applicant Secured Interim Housing**

Tenants are not entitled to keep any additional security and/or pet damage deposit(s) received at the end of their tenancy for applicant secured interim housing. Additional deposits must be returned at the end of the tenancy for applicant secured interim housing or after receipt of a decision by a Residential Tenancy Branch arbitrator in the event that the interim unit's landlord has filed for dispute resolution to keep the deposit(s) or the tenant has filed for its return.

### **5.4 Bonding**

To ensure compensation obligations are fulfilled, bonding from the applicant is required.

Prior to Final Adoption of the Rezoning Amendment Bylaw, the applicant must provide the City a cost estimate of all outstanding tenant assistance benefits that have not been paid to tenants. After review, the City will require bonding in the determined amount to be submitted to the Planning Department in a form acceptable to the City. The applicant must also submit a summary of all tenant assistance benefits that have been paid at the time of submitting their cost estimate.

The bonding will be released when the Final Tenant Assistance Report has been reviewed and approved by the Planning and Building Department.

## **6.0 COMMUNICATION AND REPORTING**

Applicants and/or Tenant Relocation Coordinators are required to be in regular communication with tenants and support tenants throughout the relocation process. Applicants and/or Tenant Relocation Coordinators are also required to be in regular communication with City of Burnaby staff.

### **6.1 Tenant Assistance Plan**

The following components, which together comprise the Tenant Assistance Plan must be completed and reporting submitted to the City at the following intervals:

*At submission of rezoning application:*

- Establish a dedicated email for the Tenant Relocation Coordinator that is owned by the applicant and associated with only the rezoning application for which the Tenant Assistance Plan is for;
- Provide a copy of this Tenant Assistance Policy and written notification to each unit, outlining the Tenant Assistance Plan and confirmation of eligibility status;

- Post contact information for the Tenant Relocation Coordinator, City of Burnaby Renter's Office, and other tenant resources such as TRAC Tenant Resource & Advisory Centre and the Residential Tenancy Branch within the building in accessible locations frequented by tenants;
- Provide documentation of all units in the building, including vacant units, start date of tenancies, number of bedrooms, rental rates, and other pertinent information on the approved forms; and
- Submit a signed compliance form indicating that the applicant will collect, manage, and disclose all tenant information in compliance with the *Freedom of Information and Protection of Privacy Act* and *Personal Information Protection Act* (see Section 6.2 of this policy).

*Within 60 days of Council authorizing the Planning Department to work with an applicant toward a Suitable Plan of Development:*

- Convene a group tenant meeting with all tenants in the building to introduce the Tenant Relocation Coordinator, answer tenant questions, and provide and explain the Households Needs Assessment form. City staff must be present at this meeting.

*Date that any notice to end tenancy is issued to an eligible tenant:*

- Notification to the City that the notice has been issued
  - For any notice other than the Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of Rental Unit, the reason for the notice and the unit number must be provided.

*Within one month of building(s) on rezoning application site being vacant or prior to Final Adoption of rezoning bylaw:*

- Tenant Relocation Report on form established by the City.

*One month after occupancy of replacement units:*

- Final Tenant Assistance Report on form established by the City.

## **6.2 Collecting, Storing and Disclosing Tenant Information**

To protect tenants' personal information, all information received by the applicant and the City must be administered in compliance with the *Freedom of Information and Protection of Privacy Act* and *Personal Information Protection Act*.

## **7.0 MAINTENANCE REQUIREMENTS AT APPLICATION SITE**

Applicants must ensure that occupied building(s) and the property(ies) on the rezoning application site continue to comply with health, safety, and housing standards required by law and consistent with the age, character and location of the building(s) and property(ies).

**8.0 FINAL ADOPTION OF REZONING BYLAW**

The Planning and Building Department will confirm that the applicant's Tenant Assistance Plan has been implemented in accordance with this policy prior to recommending Final Adoption of the Rezoning Amendment Bylaw.

Approved by Council 2015 April 24

Amended \_\_\_\_\_

## Revised Tenant Assistance Policy

### 1.0 POLICY INTENT

The City of Burnaby's Tenant Assistance Policy establishes standards for accommodating and supporting tenants of market rental buildings who have been displaced, or are facing displacement, from their homes as a result of major renovation or redevelopment that requires rezoning approval.

### 2.0 RESIDENTIAL TENANCY ACT

British Columbia's *Residential Tenancy Act (RTA)* regulates all tenancies in residential units across the province.

Burnaby's Tenant Assistance Policy does not replace landlord and tenant rights and obligations set out in the *RTA*. Instead, this policy is intended to supplement the *RTA* to help tenants impacted by renovation or redevelopment. Further details can be found on the [Residential Tenancy Branch's website](#).

### 3.0 APPLICABILITY

#### 3.1 Housing Type

This policy applies to:

- Purpose-built market rental buildings with five or more dwelling units; and
- Secondary market rental buildings with less than five units that are also being consolidated into a larger redevelopment project that includes a building that meets the above criteria.

This policy does not apply to non-market rental housing or community housing that is operated by non-profit housing societies, housing co-operatives, provincial, city or regional government authorities, or on-/off-reserve Indigenous housing organizations.

#### 3.2 Application Type

This policy applies to rezoning applications with the applicable housing types described in *Section 3.1*, and that result in tenant displacement due to demolition or renovation. Demolition or renovation of properties that do not require rezoning are not subject to this policy.

This policy applies to rezoning applications submitted after 2023 January 01. The lump sum provision under *Section 5.2.3* of this policy applies to eligible tenants of in-stream rezoning applications.

## 4.0 ELIGIBILITY

### 4.1 Eligibility Dates

As the City has had previous versions of the Tenant Assistance Policy, specific eligibility dates are used to determine the version of the policy that applies to a particular rezoning application, and to tenants and/or occupants who are eligible for compensation established in the policy. The following eligibility dates establish when a tenancy is considered eligible:

*Table 1: Eligibility Dates*

Rezoning Application Timeline	Applicable Policy	Tenancy Eligibility Date
<b>Rezoning applications:</b> - made after 2023 January 01	2022 Tenant Assistance Policy	Rezoning Application Date
<b>Rezoning Applications:</b> - made after 2019 December 02 - that had not received Second Reading as of 2019 December 02 - that did not receive Council authorization for staff to work with the rezoning applicant on a suitable plan of development prior to 2019 December 02	March 2020 Tenant Assistance Policy	Rezoning Application Date
<b>Rezoning Applications:</b> - made Prior to 2019 December 02 - that received Second Reading prior to 2019 December 02 - that received Council authorization for staff to work with the rezoning applicant on a suitable plan of development prior to 2019 December 02	2018 Tenant Assistance Policy	Council Authorization Date

### 4.2 Eligible Tenants

Benefits outlined in this policy are provided to tenants who had a tenancy agreement with the landlord on the eligibility dates outlined in *Table 1* under *Section 4.1* of this policy. In the absence of a written tenancy agreement, benefits will be provided to all tenants who permanently reside in the affected dwelling unit. Benefits are provided on a dwelling unit basis and will be distributed to those named on the written tenancy agreement. Eligible tenants who have received financial benefits under the previous Tenant Assistance Policy are eligible for a replacement unit only, as per the City of Burnaby's Rental Use Zoning Policy.

#### 4.2.1 Designated Tenant

Where there is more than one eligible tenant residing in the dwelling unit, tenants are required to determine amongst themselves who the designated tenant will be and communicate this decision to the Tenant Relocation Coordinator and the City of Burnaby's Renters Office. The designated tenant will be the primary communication contact for the rezoning applicant, Tenant

Relocation Coordinator, and the Renters Office, and shall be responsible for ensuring that all eligible tenants receive the benefits as established in this policy.

#### **4.2.2 Caretaker Unit**

A caretaker, building manager, property manager or superintendent paying reduced rent as a condition of employment is eligible for moving assistance and the Right of First Refusal for a replacement unit. Rent at the replacement rental unit—if a caretaker, building manager, property manager or superintendent chooses to return—will be the average rent tenants with a similar unit type were paying at move out from the rezoning application site, plus annual rent increases allowed under the *RTA*—between the day the final tenant moves out from the rezoning application site and when tenants move into the replacement unit.

#### **4.3 Ineligible Tenants**

The following tenants are not eligible for benefits under this policy:

- Tenants who begin their tenancy after the eligibility dates outlined in *Section 4.1*.
- Tenants who have or will be receiving top-up or lump-sum compensation in accordance with previous versions of the Tenant Assistance Policy for another rezoning application and are eligible for and awaiting an offer of a replacement rental unit under that application.
- Sub-tenants who do not have a tenancy agreement with the original landlord, unless the eligible tenant chooses to transfer benefits, in part or in whole, to the sub-tenant in writing.
- Roommates or occupants who are not named on a written tenancy agreement with the landlord, unless the tenant named on the written tenancy agreement chooses to transfer benefits, in part or in whole, to the roommate or occupant, in writing.

Landlord obligations to tenants under the *RTA* continue to apply, whether tenants are eligible or not under this policy.

#### **4.4 Units Vacant at Eligibility Date**

If a dwelling unit in a building is vacant on the eligibility dates outlined in *Section 4.1*, the last tenant of that unit in the 24 months preceding the submission of an application for rezoning may be eligible for benefits under this policy, if the City determines that the unit was vacated due to reasons inconsistent with the policy intent and overall goals of tenant protection.

This policy is not intended to be used as a proxy for retroactive compensation of tenants whose tenancies were ended in good faith.

## **5.0 TENANT ASSISTANCE**

Rezoning applicants must provide eligible tenants with the following:

### **5.1 Tenant Relocation Coordinator**

A Tenant Relocation Coordinator must be designated by the rezoning applicant to assist tenants in finding interim housing options as required by *Section 5.2.1* of this policy, and to assist with the delivery of the rezoning applicant's obligations outlined in this policy.

This role cannot be assumed by:

- a rezoning applicant; or
- a caretaker, property manager, superintendent or building manager.

For effective implementation of the Tenant Assistance Policy, rezoning applicants are encouraged to hire a third-party Tenant Relocation Coordinator. In instances where there are repeated complaints about unresponsiveness of a Tenant Relocation Coordinator hired by a rezoning applicant internally, a rezoning applicant will be required to hire a third-party Tenant Relocation Coordinator.

The Tenant Relocation Coordinator hired by the rezoning applicant:

- will be the primary contact with the City on tenant-related matters;
- must be responsive to both the City and tenants, including being available to answer questions by phone and email at regular and consistent hours;
- must maintain and update relocation and compensation records of all eligible tenants through the redevelopment process and post-occupancy; and
- must keep records of all written correspondence and notifications for at least one year post-occupancy of the replacement units and provide these records to the Renters Office upon request.

### **5.2 Financial Compensation During the Interim Period**

Tenants may select one of two rent top-up financial compensation options or the one-time lump sum payment, paid for by the rezoning applicant. Rent top-ups are paid throughout the interim period, until the replacement units are ready for occupancy. Tenants who opt for this option may request that the Tenant Relocation Coordinator find them interim housing, or they may find their own interim housing and access rent top-ups up to the maximum amount.

Tenants can request the one-time lump sum amount, determined by using the formula in *Section 5.2.3* of the policy.

#### ***5.2.1 Rent Top-Up in Rezoning Applicant-Secured Interim Housing***

Under this option, the rezoning applicant or Tenant Relocation Coordinator is responsible for finding at least three interim housing options for tenants. Options for interim housing are to be



located in Burnaby, with priority for the same area as the residence of the tenant, unless otherwise agreed to by the tenant.

If agreed to by the tenant, options outside Burnaby are restricted to Metro Vancouver municipalities<sup>1</sup> and should meet the tenant's needs as identified in their Tenant Assistance Form.

Responsibility for the tenant's rent, deposits and any rental increases at the rezoning applicant-secured interim housing unit will be as follows:

- The tenant will be responsible for the amount equivalent to the tenant's rent at the Rezoning application site.
- The rezoning applicant will pay or pay to the tenant any rent amount which exceeds the tenant's rent at the rezoning application site ("top-up").
- The rezoning applicant will pay or pay to the tenant any additional security and pet damage deposits, as applicable, for the interim housing unit, above the amount of such deposits for the tenant's unit at the Rezoning application site.
- Any rent increases, as permitted by the RTA, at the interim housing unit will be split between the tenant and rezoning applicant in proportion to the amount of rent each of the tenants and rezoning applicants are responsible for (per the first two bullets above).

If the rent under the tenancy at the rezoning application site includes heat and the rent for the interim housing unit does not, the rezoning applicant must provide an additional monthly financial supplement for heat costs. The monthly heating supplement is the "electricity" amount provided in BC Housing's Monthly Heat Allowance Rates. If the rent at the rezoning application site includes hot water and a tenant is required to pay a separate hot water bill at the interim unit, the rezoning applicant must pay the gas supplement established in BC Housing's Monthly Heat Allowance Rates.

If the tenancy in an rezoning applicant-secured interim housing unit ends due to no fault of the tenant prior to occupancy of the replacement unit, the rezoning applicant must secure another interim rental unit for that tenant.

The rent top-up provided by the rezoning applicant will start on the date that the tenant moves into the rezoning applicant-secured interim housing unit and end on the last day of the month after the determined move-in date for a replacement unit, irrespective of whether or not the tenant relocates into a replacement rental unit provided by the rezoning applicant as part of the rezoning application.

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<sup>1</sup> Municipalities in Metro Vancouver are:

City of North Vancouver  
District of North Vancouver  
City of Pitt Meadows  
City of Port Coquitlam  
City of Port Moody  
City of Richmond  
City of Surrey  
City of Burnaby

Tsawwassen First Nation  
City of Vancouver  
District of West Vancouver  
City of White Rock  
Village of Anmore  
Village of Belcarra  
Bowen Island Municipality  
City of New Westminster

City of Coquitlam  
City of Delta  
Electoral Area A  
City of Langley  
Township of Langley  
Village of Lions Bay  
City of Maple Ridge

**5.2.2 Rent Top-Up in Tenant-Secured Interim Housing**

Under this option, a tenant finds their own interim housing without the assistance of the rezoning applicant and at the rent amount chosen by the tenant.

Responsibility for the tenant’s rent, deposits and any rental increases at the tenant-secured interim housing unit will be as follows:

- The tenant will be responsible for the full amount of the rent for the interim housing unit and all security and pet damage deposits, as applicable.
- The rezoning applicant will pay to the tenant monthly rent top-ups to cover the difference between the tenants’ monthly rent at the rezoning application site and the tenants’ monthly rent at the interim housing unit, up to a maximum of the greater of either of the following formulas:

*(Most recent CMHC Rental Market Survey (RMS) median rent for the applicable zone at move-out and bedroom type + 30 percent) – tenant’s monthly rent at rezoning application site*

OR

*Tenant’s monthly rent at rezoning application site x 15 percent*

- Any annual rent increases permitted by the RTA during the interim period will be split proportionally between the tenant and rezoning applicant, to the maximum amount of the rent top-up established using the aforementioned formula.

Tenants who elect to secure their own interim housing will start receiving rent top-ups on the date that all remaining eligible tenants in the rezoning application site receive a Four Month Notice to End Tenancy, or when the building at the rezoning application site becomes vacant, whichever comes first. The rent top-up will be paid by the rezoning applicant throughout the interim period and will end on the last day of the month after the determined move-in date for a replacement rental unit provided by the rezoning applicant as part of the rezoning application, irrespective of whether or not the tenant relocates into the replacement unit.

**5.2.3 Lump Sum Payment**

Tenants can opt for a one-time lump sum payment. The lump sum payment will be an amount equal to the greater of the following formulas:

*(Most recent CMHC Rental Market Survey (RMS) median rent of the applicable zone at move-out and bedroom type + 30 percent) – tenant’s rent at applicant’s building) x 36 months*

OR

*(Tenant’s rent at applicant’s building x 15 percent) x 36 months*

Tenants who elect to receive lump sum compensation are entitled to receive the full payment on the date all remaining eligible tenants in the application site receive a Four Month Notice to End.

Tenancy or when the building at the rezoning application site becomes vacant, whichever comes first.

### **5.3 Moving Assistance**

Moving assistance is to be provided on a dwelling unit basis. Tenants may select one of two moving assistance options paid for by the applicant on the moving date:

#### ***5.3.1 Moving Arranged by the Rezoning Applicant***

Under this option:

- The applicant must arrange for an insured moving company.
- The applicant must include packing supplies if requested by the tenant.
- The household must determine a single destination for belongings if members choose to relocate to separate dwelling units.
- Tenants can only be relocated within Metro Vancouver.

#### ***5.3.2 Flat Rate Moving Compensation***

The flat rate payout for moving expenses will be based on the unit type a tenant had on the eligibility date as follows:

- \$900 for studio or one-bedroom units
- \$1,200 for two-bedroom units
- \$1,400 for three-bedroom or larger units

Under this option:

- The tenant will arrange for their own moving.
- The tenant must provide at least one month's notice to the Tenant Relocation Coordinator/applicant.
- The applicant must pay the tenant the flat rate moving compensation amount at any time, regardless of whether the Four Month Notice to End Tenancy has been issued or not.

#### ***5.3.3 Support for Vulnerable Tenants***

To mitigate the impacts of the relocation process on vulnerable tenants, applicants are required to provide additional support to individuals who request support. Support for vulnerable tenants includes early communication and notifications where appropriate, provision of transportation to view interim housing units, and packing assistance for those with mobility impairments.

### **5.4 Replacement Unit**

Under the Rental Use Zoning Policy, Rental Replacement Stream, tenants affected by redevelopment requiring rezoning must be given the opportunity to return to the replacement rental unit upon completion by way of their right of first refusal—at the same rent they paid at move-out from the application site, plus annual *RTA* permitted rent increases. At a minimum, these tenants will be offered a replacement unit that has the same number of bedrooms as the

unit they formerly rented at the rezoning application site and will be provided the same moving assistance options outlined in *Section 5.3* to return to the replacement unit. Rents for the replacement units will be in accordance with the Rental Use Zoning Policy. Tenants who are displaced more than once and are eligible for multiple replacement rental units will have right of first refusal for replacement units at all sites where they formerly resided, but may only occupy one replacement unit.

Where tenants have identified accessibility requirements in their Tenant Assistance Form prior to relocating from the rezoning application site, the applicant must provide a replacement unit that accommodates their needs, where possible, whether or not the tenant’s unit at the rezoning application site had similar accommodations.

**6.0 IMPLEMENTATION**

**6.1 Tenant Compensation Selection**

Selection of a preferred financial compensation option by an eligible tenant must only occur after the group tenant meeting organized by the applicant and attended by the City, as required by *Section 7.1* of this policy, has been held. Tenants are required to communicate their selected financial compensation option directly to the City of Burnaby’s Renters Office using the Tenant Assistance Form established by the Renters Office.

Tenants have up to the following dates to select their preferred compensation option:

*Table 2: Financial Compensation Timelines*

<b>Financial Compensation</b>	
<b>Options</b>	<b>Timeline for Selecting/Switching Options</b>
<b>Option 1 – Applicant Secured Interim Housing</b>	Within two weeks of receiving the Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of Rental Unit and must not have received a lump sum payment
<b>Option 2 – Tenant Secured Interim Housing</b>	On any date prior to the end of the “top-up” entitlement period, but must not have received a lump sum payment
<b>Exception – Lump Sum Compensation</b>	On any date prior to the end of the “top-up” entitlement period
<b>Moving Assistance</b>	
<b>Options</b>	<b>Timeline for Selecting/Switching Options</b>
<b>Option 1 – Insured Moving Company Arranged by the Applicant</b>	If Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of Rental Unit has <u>not</u> been served, a minimum of one full month’s notice
	If Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of Rental Unit has been served, a minimum of 10 days’ notice
<b>Option 2 – Flat Rate Payout</b>	On any date, but the tenant must not have previously requested the applicant to arrange for an insured moving company

Tenants are permitted to switch their selected compensation option up to the timelines provided in *Table 2*. Tenants that are living in applicant-secured interim housing can change to tenant-secured housing or request a lump sum payment at any time during the “top-up” entitlement

period. Tenants that have received moving assistance when moving out of the rezoning application site will not receive supplementary moving assistance if they choose to change their financial compensation option.

Tenants that have received additional money to supplement a security and/or pet deposit for applicant secured housing who then change to another compensation option must return this additional amount to the applicant in accordance with *Section 5.2.1* of this policy. Tenants who wish to change to lump sum compensation sum will have the sum of top-up compensation payments deducted from the amount of the lump sum they are eligible to receive.

## **6.2 Tenant Assistance Form**

To document pertinent details of tenants' existing tenancy, information about the household's needs for their replacement unit, and to determine other benefits of this policy where applicable, tenants must complete a Tenant Assistance Form and submit it to the Renters Office prior to vacating their rental unit. The Tenant Assistance Form is established by the Renters Office and will be available from Tenant Relocation Coordinators. The Tenant Relocation Coordinator must work with tenants who require help with completing the Tenant Assistance Forms and provide a report, in a manner specified by the City, summarizing the needs of the tenants and proposed benefits being provided to them. Tenants that desire applicant-secured housing must complete the form and provide it to the Renters Office a minimum of two weeks following the issuance of the Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of Rental Unit. The Tenant Relocation Coordinator must arrange for translation services - if required.

## **6.3 Return of Additional Deposits Received for Applicant-Secured Interim Housing**

Tenants must return any additional security and/or pet damage deposit(s) to the applicant— either at the end of their tenancy or after receipt of a decision by a *Residential Tenancy Branch* arbitrator in the event that the interim unit's landlord has filed for dispute resolution to keep the deposit(s) or the tenant has filed for its return.

## **6.4 Bonding**

To ensure compensation obligations are fulfilled, bonding from the applicant to the City is required. Prior to Final Adoption of the Rezoning Amendment Bylaw, the applicant must provide the City a cost estimate of all outstanding tenant assistance benefits for all eligible tenants. After review, the City will require bonding in the determined amount to be submitted to the Planning and Development Department in a form acceptable to the City. The applicant must also submit a summary of all tenant assistance benefits that have been paid at the time of submitting their cost estimate.

The bonding will be released when the Final Tenant Assistance Report has been reviewed and approved by the City's Planning and Development Department.

## **7.0 COMMUNICATION AND REPORTING**

Applicants and/or Tenant Relocation Coordinators are required to be in regular communication with tenants and support tenants throughout the relocation and redevelopment process.

Applicants and/or Tenant Relocation Coordinators must provide regular updates to staff at the City's Renters Office through the relocation and redevelopment process.

### **7.1 Tenant Assistance Policy Implementation Checklist**

The following components must be completed, and reporting submitted to the City at the following intervals:

*At submission of rezoning application:*

- Establish a dedicated email for the Tenant Relocation Coordinator that is owned by the applicant and associated with only the specific rezoning application.
- Provide a copy of this Tenant Assistance Policy and written notification to each unit, outlining the eligibility status.
- Post contact information for the Tenant Relocation Coordinator, City of Burnaby Renters Office, and other tenant resources such as TRAC Tenant Resource & Advisory Centre and the Residential Tenancy Branch within the building in accessible locations frequented by tenants.
- Provide documentation of all units in the building, including vacant units, start date of tenancies, number of bedrooms, rental rates, and other pertinent information on the approved forms.
- Submit a signed compliance form indicating that the applicant will collect, manage, and disclose all tenant information in compliance with the *Freedom of Information and Protection of Privacy Act* and *Personal Information Protection Act* (see Section 7.2 of this policy).

*Within 60 days of Council authorizing the Planning and Development Department to work with an applicant toward a Suitable Plan of Development:*

- Convene a group tenant meeting with all tenants in the building to introduce the Tenant Relocation Coordinator, answer tenant questions, and provide and explain the Tenant Assistance Form. City staff must be present at this meeting.

*Date that any notice to end tenancy is issued to an eligible tenant:*

- Notification to the City that the notice has been issued (for any notice other than the Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of Rental Unit, the reason for the notice and the unit number must be provided).

*Within one month of building(s) on rezoning application site being vacant or prior to final adoption of rezoning bylaw:*

- Tenant Relocation Report on template established by the City.

*One month after occupancy of replacement units:*

- Final Tenant Assistance Report on form established by the City.

## **7.2 Collecting, Storing and Disclosing Tenant Information**

To protect tenants' personal information, all information received by the applicant and the City must be administered in compliance with the *Freedom of Information and Protection of Privacy Act* and *Personal Information Protection Act*.

## **8.0 MAINTENANCE REQUIREMENTS AT APPLICATION SITE**

Applicants must ensure that occupied buildings and the properties on the rezoning application site continue to comply with health, safety, and housing standards required by law and consistent with the age, character and location of the buildings and properties.

## **9.0 FINAL ADOPTION OF REZONING BYLAW**

Prior to recommending Final Adoption of the Rezoning Amendment Bylaw, the Renters Office will confirm that the applicant has met all the policy implementation obligations, including submission of the bonding amount required for the outstanding compensation for all eligible tenants.