

**TO:** PLANNING AND DEVELOPMENT COMMITTEE (PDC)  
**FROM:** GENERAL MANAGER PLANNING AND DEVELOPMENT  
**SUBJECT:** **PROJECT INITIATION FOR DEVELOPMENT OF A TENANT PROTECTION BYLAW AND DEVELOPMENT PERMIT AREA FOR TENANT PROTECTION**

**PURPOSE:** To provide an introduction on the proposed scope and process of the Tenant Protection Bylaw and Development Permit Area for tenant protection project.

## RECOMMENDATION

**THAT** the proposed process to develop a Tenant Protection Bylaw and Development Permit Area for tenant protection, as outlined in the report titled “Project Initiation for Development of a Tenant Protection Bylaw” dated March 12, 2025, be endorsed.

### 1.0 POLICY SECTION

The Tenant Assistance Policy (TAP) aligns with the following City policies:

- Mayor's Task Force on Community Housing Final Report (2019);
- Rental Use Zoning Policy (2019); and
- HOME: Burnaby's Housing and Homelessness Strategy (2021).

Sections 63.1 to 63.3 of the *Community Charter* grant local governments the legislative authority to develop Tenant Protection Bylaws and set out the limits on that authority while Sections 488(1)(k) and 491(11) of the *Local Government Act* enable local governments to designate a Development Permit Area for tenant protection.

### 2.0 BACKGROUND

The TAP sets out required support for tenants facing displacement from purpose-built rental buildings with five or more units due to redevelopment associated with rezoning. The required support, which includes financial compensation, moving compensation and the right of first refusal to a replacement unit, seeks to reduce the financial impact of redevelopment on tenants and provide an opportunity for them to remain in Burnaby long term.

Burnaby's first TAP was adopted by Council on May 4, 2015, and revised March 5, 2018. Following the Mayor's Task Force on Community Housing, Council directed staff to strengthen the provisions for renters in TAP. Council adopted the current TAP on March 9, 2020, which was subsequently amended on October 24, 2022, and October 7, 2024.

On April 25, 2024, amendments to the *Local Government Act* under Bill 16 – *Housing Statutes Amendment Act, 2024*, received Royal Assent, which introduced new authority for local governments to adopt Tenant Protection Bylaws and to designate Development Permit Areas to mitigate the effects of displacement on tenants related to the redevelopment of existing rental units. Under section 63.2 of the *Community Charter*, local governments may adopt bylaws that require owners to provide tenants whose tenancy agreement is terminated in relation to a proposed redevelopment with any of the following protections:

- Notices or information about the proposed development;
- Financial compensation for tenancy termination;
- Financial or other assistance to find and relocate to comparable replacement units; and
- The opportunity to enter into new tenancy agreements for the rental of comparable units in a property in which the owners have an interest.

Adopting a Tenant Protection Bylaw, and the designation of a Tenant Protection Development Permit Area have the following benefits:

- Protecting tenants outside of the rezoning process – Developing a Tenant Protection Bylaw and designating a Tenant Protection Development Permit Area would enable protections to extend to the redevelopment of existing purpose-built rental projects that do not require a rezoning.
- Authority to enforce tenant protection requirements – As a Council-adopted policy, the City’s current TAP may only be applied as a condition of rezoning, which entails more cumbersome mechanisms to enforce developer’s compliance with TAP obligations. In contrast, by adopting a Tenant Protection Bylaw, the City would be able to protect tenants impacted by a redevelopment through typical mechanisms of bylaw enforcement, such as violation notices and fines, to ensure compliance.

**3.0 PROPOSED DEVELOPMENT OF A TENANT PROTECTION BYLAW AND DPA**

It is proposed that the current TAP be used as the basis for developing a new Tenant Protection Bylaw. The scope of this project is proposed to include:

- Bringing forward a Tenant Protection Bylaw that establishes a regulatory and enforcement framework that will replace TAP;
- Establishing a Tenant Protection Development Permit Area and developing guidelines for a Tenant Protection Development Permit Area;
- Establishing an implementation plan for the Tenant Protection Bylaw and Tenant Protection Development Permit Area;
- Determining the procedure for providing purpose built rental replacement units; and
- Developing a communications plan for informing stakeholders and the general public about the Tenant Protection Bylaw and Tenant Protection Development Permit Area.

This project is proposed to align with the completion of the Official Community Plan and Zoning Bylaw Re-write in the winter of 2025/26 to ensure that new development applications under the Height Based Framework or those outside of the rezoning stream meet all

necessary tenant protection and unit replacement requirements. In order to meet this timeline it is proposed that the scope be contained to the items in the existing TAP. The feasibility of including secondary rental will be explored as part of this project, and staff will report further on the practicability of this.

**3.1 Process and Deliverables**

The development of the Tenant Projection Bylaw and associated Development Permit Area requires creation or amendment of three separate legislative planning tools:

1. Establishment of the new Tenant Protection Bylaw;
2. Designation of the Tenant Protection Development Permit Area in the Official Community Plan
3. Creation of Tenant Protection Development Permit Area guidelines, in the new Zoning Bylaw;

The Project Plan for the Tenant Protection Bylaw and DPA coordinates these three items, and is as follows:

**Table 1: Tenant Protection Bylaw and DPA Project Plan**

#	Task	Description	Schedule
1.	Technical review of bylaw terms	Development of draft bylaw. Includes legal review to ensure compliance with legislation.	March to July 2025
2.	Technical review of DPA guidelines	Drafting Tenant Protection Development Permit Area guidelines for inclusion in the Zoning Bylaw. Consultation on the Tenant Protection Development Permit area map through OCP engagement sessions and revising as needed.	March to July 2025
3.	Update on draft bylaw terms	Report to Council outlining project progress and draft bylaw terms	July 2025
4.	Draft bylaw and enforcement framework	Report to Council outlining proposed Tenant Protection Bylaw	September 2025
5.	Implementation plan and communications plan	Development of implementation processes for the development permit and enforcement of the Tenant Protection Bylaw.	October to December 2025
6.	Tenant Protection Bylaw	Adoption of a new Tenant Protection Bylaw and amendments to <i>Burnaby Bylaw Notice Enforcement Bylaw</i> and <i>Burnaby Consolidated Fees and Charges Bylaw</i> , as needed.	December 2025

#	Task	Description	Schedule
7.	Zoning bylaw adoption and OCP adoption	Adoption of OCP, which includes Tenant Protection Development Permit Area map and adoption of Zoning Bylaw, which includes guidelines for Tenant Protection Development Permit Area.	December 2025
8.	Tenant Protection Database	Development of a database to support case management of tenant and project files.	Q1 2026
9.	Implementation and monitoring	Bylaw and Development Permit Area expected to take effect January 2026.	Q1 2026 ongoing

**4.0 COMMUNICATION AND COMMUNITY ENGAGEMENT**

While transitioning from the TAP to a Tenant Protection Bylaw may result in some changes to implementation processes, the intent and overall objectives of the TAP which was developed through the Mayor’s Taskforce on Community Housing are intended to be carried through in the new bylaw. As such, staff will inform housing advocacy groups, Developers and Tenant Relocation Coordinators about the new bylaw and Tenant Protection Development Permit Area. A project page will be created on the City’s website to communicate milestones to the public and project partners. In advance of adoption of a new bylaw, all communications materials will be updated including the implementation guide, brochures and website. New internal processes that may arise from this project will be communicated to relevant staff to ensure smooth implementation.

**5.0 FINANCIAL CONSIDERATIONS**

There are no financial implications associated with this report. More information about the financial considerations related to bylaw implementation will be provided when the draft bylaw and enforcement framework are advanced.

Respectfully submitted,

Lee-Ann Garnett, Deputy General Manager Planning and Development, on behalf of  
 E. W. Kozak, General Manager Planning and Development

**REPORT CONTRIBUTORS**

This report was prepared by Claire Shepansky, Planner 1, and reviewed by Carla Schuk, Planner 3, Jennifer Wong, Assistant City Solicitor, and Johannes Schumann, Director Community Planning.