

PLANNING AND DEVELOPMENT COMMITTEE

TO: MAYOR AND COUNCILLORS

**SUBJECT: SU: PROJECT PROGRESS UPDATE FOR THE DEVELOPMENT OF A
TENANT PROTECTION BYLAW AND DEVELOPMENT PERMIT AREA**

RECOMMENDATION:

THAT the report titled “SU: Project Progress Update for the Development of a Tenant Protection Bylaw and Development Permit Area”, dated July 9, 2025, of the Planning and Development Committee meeting, be received for information.

REPORT

The Planning and Development Committee, at its meeting held on July 9, 2025, received and adopted the attached report providing a status update on the work underway to develop a Tenant Protection Bylaw and associated Development Permit Area.

On behalf of the Planning and
Development Committee,

Councillor P. Calendino
Chair

Councillor J. Wang
Vice Chair

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

PURPOSE: To provide a status update (SU) on the work underway to develop a Tenant Protection Bylaw and associated Development Permit Area.

RECOMMENDATION

THAT the reported titled “SU: Project Progress Update for The Development of a Tenant Protection Bylaw and Development Permit Area” dated July 9, 2025, be received for information.

1.0 POLICY SECTION

The Tenant Assistance Policy (TAP), and the development of a Tenant Protection Bylaw and Development Permit Area, align with the following City policies:

- Mayor's Task Force on Community Housing Final Report (2019);
- Rental Use Zoning Policy (2019);
- HOME: Burnaby's Housing and Homelessness Strategy (2021); and
- Draft Official Community Plan (2025).

Pursuant to Sections 63.1 to 63.3 of the *Community Charter*, a council may develop and adopt Tenant Protection Bylaws, subject to certain limitations. Sections 488(1)(k) and 491(11) of the *Local Government Act* allow a council to designate a Development Permit Area (DPA) to mitigate the effects of displacement on tenants impacted by redevelopment, which is defined to mean demolition of a building that contains a rental unit or partial demolition such that one or more rental units are completely and irreversibly destroyed.

2.0 BACKGROUND SECTION

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 DPAs to mitigate the effects of displacement on tenants related to the redevelopment of existing rental units.

On April 29, 2024, Council directed staff to explore and implement policy tools that result in the same treatment of renters regardless of unit type or tenure in a tenant protection bylaw pending completion of 2024 interim Housing Needs Report. On March 25, 2025, Council endorsed staff to proceed with the development of a Tenant Protection Bylaw (Bylaw) and associated DPA. Since Council's authorization, Phase 1 of work was completed, including background research, establishing a staff working group, and undertaking the project kick-off meeting. Phase 2 work to date has included launching a project webpage, staff workshops, and creation and consultation for the DPA map in the draft Official Community Plan (OCP).

3.0 GENERAL INFORMATION

Staff are currently in Phase 2 of the Bylaw and DPA development and seek to transition the existing TAP requirements into the Bylaw. The terms of the bylaw will be in alignment with existing TAP and the outcomes of the Mayor's Task Force on Community Housing.

The Bylaw and DPA are anticipated to provide strengthened compliance and enforcement options. The replacement of Stream 1 – Replacement Rental of the Rental Use Zoning Policy with new zoning regulations is also part of this project. The Draft OCP 2050 is currently in its final review and includes the Tenant Protection DPA map. Furthermore, as part of our Development Approval Process (DAP) review staff are currently developing the Tenant Protection DP application process.

Staff anticipate the completion of the draft Tenant Protection Bylaw this Summer, to be brought forward for Council's consideration in Fall 2025 to coincide with advancement of the OCP and Zoning Bylaw. Figure 1 below outlines the four key phases of work for the Tenant Protection Bylaw and DPA, and anticipated timeline.

Figure 1: Tenant Protection Bylaw and Development Permit Area Project Phasing



3.1 Application of Tenant Protections for Secondary Rental

Staff have undertaken early exploration of incorporating secondary rental into tenant protections. Secondary rental makes up a diverse set of housing types, including secondary suites, rented condominium units and other dwelling units that are rented.

These diverse rental circumstances are anticipated to have additional complexities that are not commonly seen in purpose-built rental buildings. This could include dealing with illegal units, non-professional landlords less informed about rental legislation and best practices (e.g. homeowners renting a single basement suite or builders that have purchased a single property to redevelop), complex household formation and rental arrangements (e.g. informal subletting or main tenant charging roommates rent to their advantage), and greater reliance on verbal agreements, among other things. Dealing with these and other complex situations would require a unique lens and approach to tenant protection, along with additional planning and strategies, suggesting that applying the same approach as for purpose-built rental is unlikely to be successful without exponentially more resources and legislative changes from other orders of government. As such, it is not advisable to integrate this review into the project at this time.

Opportunities to assist tenants in secondary rental will continue to be monitored and explored subsequent to the completion of the initial Tenant Protection Bylaw. The results of this ongoing assessment would be advanced in a future report to Council. It should be noted that secondary market rental buildings, with less than 5 units, that are located on a parcel that forms part of broader multi-parcel consolidation with purpose-built rental buildings are currently protected under TAP. The intent of the Tenant Protection Bylaw is to continue to allow this same sub-group of secondary rentals to be protected.

3.2 Next Steps

The next phase of work on the Tenant Protection Bylaw includes preparation of the draft Bylaw and DPA guidelines for Council consideration and adoption by the end of 2025, pending the adoption of the OCP and the Zoning Bylaw. Additionally, consequential amendments to the Burnaby Bylaw Notice Enforcement Bylaw and Burnaby Consolidated Fees and Charges Bylaw may also be required as part of this project.

Further phases will also include the development of implementation and communication plans for the Bylaw and DPA.

4.0 COMMUNICATION AND COMMUNITY ENGAGEMENT

The Bylaw and DPA have undertaken the following communication and community engagement actions:

- Launch of a project webpage to provide information about the project. Subject matter expertise in the field, including developers, tenant relocation coordinators and housing partners, and tenants are being informed of this bylaw process through the City's website.
- Public consultation on the draft DPA was completed as part of Phase 4 of the OCP engagement between 9 April 2025 and 11 May 2025. Staff are currently reviewing the results of the engagement.

In the final phase of the project, communication materials including the implementation guide, brochures, and updated web page, will be completed to assist with implementation and shared with developers, tenant relocation coordinators and tenants.

5.0 FINANCIAL CONSIDERATIONS

The completion of the Tenant Protection bylaw does not require further financial resources as research, analysis, and bylaw creation are being undertaken through existing staff resources. The implementation of a new Tenant Protection Bylaw and Tenant Protection DPA may require reallocated or additional staff resources as it affects several approving departments across the City. Any additional resource allocation will be outlined in a future report to Council at the time of the Bylaw's adoption.

Respectfully submitted,

E.W. Kozak, General Manager Planning and Development

REPORT CONTRIBUTORS

This report was prepared by Maggy Spence, Planner 1 – Tenant Assistance, and reviewed by Carla Schuk, Planner 3, Jennifer Wong, Assistant City Solicitor and Johannes Schumann, Director Community Planning.