

	Title: <b>Tenant Relocation Plans</b>	Number: CO-81
	Authority: Council	Section: Development Services
	Date Adopted: March 7, 2022	
	Historical Changes ( )	

**Purpose:**

The purpose of this policy is to guide the relocation and compensation of residential tenants that live in purpose-built rental buildings that are being proposed for redevelopment. The relocation and the compensation of residential tenants is the responsibility of the applicant, referred to as the ‘developer’ in this policy, and the requirements in this Council Policy are in addition to the requirements of the Provincial *Residential Tenancy Act* (RTA).

**Scope:**

This Council Policy applies to all development applications that are proposing the redevelopment of existing purpose-built rental buildings, including townhouses and apartment buildings. This Policy is not applicable to strata-titled units that are rented, single detached homes, duplexes or secondary suites.

Each development application that proposes the redevelopment of existing purpose-built rental buildings will be required to create and implement a Tenant Relocation Plan to guide the relocation and compensation of tenants in these buildings. This Council Policy sets out the requirements for these Tenant Relocation Plans, which are to be implemented by the developer throughout the development application process for Zoning Bylaw Amendment (‘rezoning’), Land Use Contract (LUC) Discharge Bylaw and Development Permit applications, from pre-application stage through to the demolition of the building(s) that are proposed for redevelopment.

Tenant Relocation Plans and the associated Tenant Assistance Package are to be submitted to City staff for review and comment, prior to the developer submitting their official development application for the subject property.

Following staff review and finalization of the Tenant Relocation Plan and Tenant Assistance Package by the developer, the developer must provide official notice of intent to redevelop the subject building(s) to the tenants in these buildings within 31 days of making an official application with the City, and host information meeting(s) with affected tenants to ensure these tenants are aware of:

- 1) the developers’ intent to redevelop their building and provide notices to end tenancy to tenants;
- 2) what their notice and compensation rights are through the Provincial RTA;
- 3) the process and timing regarding notice to end tenancy notices;

- 4) the development application process and anticipated timing;
- 5) the relocation assistance and minimum compensation the developer will be offering tenants through the Tenant Relocation Plan and Tenant Assistance Package (which is to be distributed to each tenant with 31 days of official application);
- 6) resources for tenants to assist them in finding new accommodations and financial assistance, as required; and
- 7) the name and contact information for the designated Tenant Relocation Coordinator (TRC), whose primary role is to assist tenants with finding and relocating to new accommodations, and helping tenants to access subsidized housing and rent assistance programs where necessary.

These developer-hosted and funded information meetings, led by the TRC, are to occur prior to the development application proceeding to Advisory Design Panel (ADP) and Council, and as outlined below, further meeting(s) following Council consideration of the development application are also required to provide regular and timely updates to tenants, including following Council approval of the Development Permit and when a conditional demolition permit is issued by the City, which then enables the developer to provide the official four month notice to end tenancy to the tenants, according to Provincial RTA requirements. The TRC is also required to be engaged by the developer throughout the process, from official application stage until the last tenant(s) leave the subject building prior to service disconnections, which are required prior to demolition of the building.

**Policy Statement:**

The City is anticipated to experience significant residential growth and redevelopment over the next 25 to 30 years. The planned arrival of SkyTrain will likely increase the current high level of redevelopment activity, and the new OCP permits significant increases in available residential density on properties within a 5 to 10 minute walk of the Downtown and planned SkyTrain stations at 196 Street and 203 Street. Given this context it is reasonable to expect that multiple existing purpose-built rental buildings will undergo redevelopment during this time. While this will renew the City's rental housing stock over time, it will also result in the displacement and relocation of tenants living in these buildings.

In response to this, the City's new Official Community Plan (OCP) Bylaw 2021, No. 3200 includes Policy 1.18 which requires developers to undertake the following when proposing to redevelop an existing purpose-built rental building:

**1.18. Tenant Relocation Plans**

*Require development permits for redevelopment or major renovations resulting in permanent relocation of tenants in existing residential rental units to provide a Tenant Relocation Plan. At a minimum, and along with Council Policy regarding tenant relocation, the Tenant Relocation Plan must include the following components:*

- 1.18.1. Early communication with tenants;*
- 1.18.2. Designating a relocation coordinator;*

- 1.18.3. *Financial compensation provided based on length of tenancy and Residential Tenancy Act;*
- 1.18.4. *Arrangement, at the choice of the applicant, for an insured moving company or a flat rate payout for moving expenses;*
- 1.18.5. *Assistance finding new accommodations and relocation; and,*
- 1.18.6. *Existing tenants shall be provided Right of First Refusal to move back into the new building or at the new non-market rents in circumstances when the replacement unit is social housing.*

While Policy 1.18 outlines the requirement for Tenant Relocation Plans and their key minimum components, it also identifies the use of 'Council Policy regarding Tenant Relocation'. The intent of this is to ensure there is a Council Policy in place that provides additional details regarding tenant notice, compensation and relocation assistance that developers will be expected to provide affected tenants. This Council Policy also provides clear guidance and increased certainty for affected tenants, and can be reviewed and updated from time to time (i.e. bi-annually) to respond to changing conditions.

**Implementation:**

This Council Policy CO-81 further implements OCP Policy 1.18, and includes the following components and requirements that are to be undertaken by the developer throughout a development application process, from pre-application through to the departure of the last tenants in the subject building.

**1. Communication with Affected Tenants**

Affected tenants are to be informed in a timely manner throughout the development application process and formal notice shall be provided as follows:

- a. Official notice of the developer's intent to redevelop the subject property is to be provided to affected tenants within 31 days of an official development application being submitted to the City. Developers are encouraged to make tenants aware of their intent to redevelop the subject property prior to making an official application, to maximize the overall notice period for tenants. Staff will also make Council aware when an official application is made to the City for the proposed redevelopment of a rental building and official notice is given to affected tenants.

This official written notice shall include a copy of the Tenant Relocation Plan, Tenant Assistance Package and related tenant resources (as listed below), as well as contact information for the developer and the Tenant Relocation Coordinator and be delivered to each affected tenant. All new tenancies beginning after the development application submission must also be made aware of the development application and provided copies of the information described above. The developer is also required to provide written confirmation to City staff that the Tenant Assistance Plan and Tenant Assistance Package has been provided to tenants, prior to the application proceeding to detailed staff review meetings (i.e. Interdepartmental Meeting).

- b. The Tenant Assistance Package shall include the following:
- General overview and timeline of the development application process, from official application and tenant notice of redevelopment through to four months notice to end tenancy and lastly demolition of the subject building;
  - A commitment by the developer to provide advanced notifications and updates to tenants regarding upcoming tenant information meetings, Public Information Meetings, Advisory Design Panel meetings, Council meetings, and the Public Hearing relating to the application, at least two weeks prior to these events occurring;
  - Contact information of the developer and dedicated Tenant Relocation Coordinator (TRC), including the TRC's hours of availability by phone, email and in-person meetings;
  - Relocation assistance and financial compensation for tenants, as included in this Council Policy;
  - A blank Occupancy Report, which a tenant can use to provide unit, rent and household information to the TRC;
  - Methods for requesting additional support by vulnerable tenants;
  - Methods for advising City staff and Council of concerns;
  - A copy of the City Tenant Relocation Policy CO-81; and
  - Directions on how to access tenant information resources and related information, including the Provincial RTA and Residential Tenancy Branch, BC Housing webpages regarding eligibility and applying for subsidized housing and rental assistance, BC Tenant Resource and Advisory Centre (TRAC), and other relevant information.
- c. Meeting(s) between the developer and tenants, hosted by the developer and with the TRC leading communication with tenants, are to be held according to this general schedule:
- i. information meeting(s) - prior to the development application proceeding to Advisory Design Panel (ADP) and Council for consideration;
  - ii. information update meeting(s) - following Council's consideration of a rezoning or Land Use Contract (LUC) Discharge Bylaw at a Public Hearing and approval of a Development Permit, and prior to the four months notice to end tenancy to tenants, to ensure affected tenants are aware of the process, next steps and notice to vacate as required by the RTA. The four months notice to end tenancy (otherwise referred to as 'eviction notice'), as required by the Provincial RTA, can only be presented to tenants once the Development Permit is approved by Council and the developer obtains a conditional Demolition Permit from the City. The subject building can only be demolished once all the tenants have vacated the building, the developer has provided notice to the City that the building is vacant, and service disconnects to the building have been completed by the City;

The developer is also required to create and maintain/update a website that provides information regarding the development application, process, and related ADP and Council meetings, tenant information meetings, Tenant Relocation

Plan, Tenant Assistance Package, contact information for the TRC and the developer, and relevant housing and tenant information. This information, including notices of upcoming tenant information meetings and City meetings (such as a Public Hearing) is to also be posted in a prominent, highly visible location within the subject building to maximize tenant awareness and notice.

## **2. Tenant Relocation Coordinator (TRC)**

The developer is required to retain a dedicated Tenant Relocation Coordinator (TRC) to directly communicate with affected tenants and provide ongoing support and relocation assistance in securing suitable accommodations throughout the development application process and according to this Council Policy, and the Tenant Relocation Plan and Tenant Assistance Package provided to tenants.

The TRC is funded by the developer, and is required to be an independent, third party contractor or company that is not an employee of the developer's company.

In addition to leading tenant information meetings, the TRC is required to have regular hours that they are available to meet and support tenants on an on-going basis via meetings, email or phone. The TRC contact information and hours and method of availability shall be readily available to tenants.

### **Occupancy Report**

In order to best assist tenants with relocation assistance and determining financial compensation, the TRC will coordinate the collection of 'Occupancy Reports' that tenants can voluntarily complete and provide to the TRC. The developer/landlord will also have information on unit numbers, types and rents that can be provided to the TRC. The TRC will then use this information and Occupancy Reports to help determine tenant assistance and compensation. Occupancy Reports are to include this information:

- Unit types and sizes;
- Rental rates for each unit;
- Length of tenancy for each unit; and
- Demographic/household profiles (to determine if tenants are vulnerable and require additional assistance from the TRC).

The City reserves the right to request a copy of the Occupancy Report, with personal information redacted, for internal staff review prior to the Public Hearing or consideration of a Development Permit, for the purpose of monitoring the status and progress of the tenant relocation assistance and compensation provided to tenants throughout the development application process.

## **3. Relocation Assistance**

The developer, through the TRC, is required to provide relocation assistance through identifying relocation options and communicating these options to tenants. Specific requirements include:

- i. identifying at least three suitable dwelling options, ideally located within the City of Langley, Township of Langley or City of Surrey, that are renting near (within 10%) the CMHC average market rent, with at least one of the options meeting tenants needs such as being accessible, family-friendly and/or pet-friendly;
- ii. upon tenant request, identifying suitable accommodations in municipalities other than those identified above;
- iii. assisting tenants to secure a new unit through contacting property managers on behalf of tenants, arranging viewing appointments and providing references; and
- iv. if applicable, TRCs can also assist tenants with applications for rent supplements.

TRCs will be required to provide additional assistance to vulnerable tenants, as defined in and according to the Vulnerable Tenants section of this Policy.

**4. Compensation**

Financial Compensation shall be provided based on each tenants’ length of tenancy and their current rental rates. This compensation includes the *Residential Tenancy Act* (RTA) notice and compensation requirements, which is four months’ notice and one month free rent or cash compensation equivalent.

Compensation is to be paid out no later than termination of tenancy, in the following minimum amounts, in either cash and/or free rent.

<b>Length of Tenancy</b>	<b>Minimum Compensation Provided</b>
Up to 5 years tenancy:	2 months rent
6 to 10 years tenancy:	3 months rent
11 to 15 years tenancy:	4 months rent
16-20 years tenancy:	5 months rent
Over 20 years tenancy	6 months rent

A landlord and tenant may also negotiate a Mutual Agreement to End Tenancy (as per Provincial legislation) that involves compensation that differs from what is identified in this Council Policy, with the expectation that the compensation provided by the landlord to the tenant through a Mutual Agreement to End Tenancy exceeds the minimums noted above.

New tenants, who seek to sign rental/lease agreements following official notice of intent to redevelop to tenants, or notice to end tenancy (following receipt of a conditional demolition permit by the developer), must be made aware of the developer’s intent to demolish and redevelop the building. This Council Policy does not apply in these cases (RTA requirements still apply).



## **5. Moving Assistance**

Moving assistance, either through a cash payout or credit towards the cost of a moving company, shall be provided by the developer to all tenants according to these minimums:

- \$750 for 1 bedroom units;
- \$1,000 for 2 bedroom units; and
- \$1,250 for 3 or more bedroom units.

## **6. Vulnerable Tenants**

The developer, through the Occupancy Report and upon tenant request, is required to provide additional relocation assistance and financial compensation to vulnerable tenants.

Vulnerable tenants are defined as those:

- with disabilities that have a recognized disability pension or are considered disabled for income tax purposes, and/or seniors aged 55 or older, as per BC Housing definitions;
- who qualify for deep subsidy and Rent Geared to Income (RGI) units, according to BC Housing eligibility criteria; and
- who are currently paying monthly rent that is equivalent to or less than average monthly rents for RGI units in the City.

Additional relocation assistance for vulnerable tenants requires the TRC to:

- i. identify non-market, subsidized units as options for vulnerable tenants;
- ii. identify accessible unit options, including those that are also non-market, subsidized options, as required;
- iii. work with non-profit/non-market housing providers to find accommodations for vulnerable tenants;
- iv. assist vulnerable tenants in making arrangements to apply for, visit/view (including transportation costs) and acquire these units, including communicating with property managers on tenants' behalf to find units;
- v. assist with packing (manual assistance at no charge by movers working on behalf of the developer, or additional funding for movers); and
- vi. assist vulnerable tenants in applying for rent supplements, as required;

The following financial compensation shall be provided to vulnerable tenants (this supersedes financial compensation identified in Section 4 above):

- vi. if a vulnerable tenant is relocated to a non-market, subsidized unit: 4 months rent for tenants with tenancies up to 15 years, 5 months rent for 16-20 years and 6 months rent for over 20 years; and
- vii. if a vulnerable tenant is relocated to a rental unit that is not a non-market, subsidized unit: 6 months rent, regardless of tenancy length.

If the Occupancy Report indicates there are tenants that do not have disabilities and/or are not seniors, but they qualify for RGI rents or rent supplements, the TRC is to provide additional assistance in finding suitable accommodations for

these tenants and helping them apply for rent supplements, as required and upon request.

### **7. First Right of Refusal**

The developer is required to offer first right of refusal to affected tenants to either return to building as a renter or as a purchaser.

- i. For tenants returning as renters, these tenants should be offered equivalent units with a rent set at 10% below market rental rate.
- ii. For tenants returning as purchasers, these tenants should be offered equivalent units at a 5% discount off of the strata unit purchase price.

### **8. Final Tenant Relocation Report:**

A Final Tenant Relocation Report is to be submitted to City staff prior to service disconnection and demolition of the subject building, for the purposes of monitoring the effectiveness of this Council Policy. This Report is to include a summary of the relocation assistance and compensation provided to tenants including generalized information of where tenants relocated to (i.e. in the City, outside of the City, in non-market housing, etc.), financial compensation to tenants, and any additional assistance that was provided to the tenants.

### **References:**

Policy Number:	<b>CO-81</b>
Policy Owner:	<b>Development Services</b>
Endorsed by:	
Final Approval:	
Date Approved:	
Revision Date:	
Amendments:	
Related Policies:	
Related Publications:	<b>Official Community Plan Bylaw</b>