



<u>COUNCIL AGENDA</u>	
Date: <u>July 8, 2024</u>	Item: <u>6.</u>



6.

**DISTRICT OF WEST VANCOUVER**  
750 17TH STREET, WEST VANCOUVER BC V7V 3T3

## COUNCIL REPORT

Date:	June 28, 2024
From:	David Hawkins, Senior Manager of Community Planning & Sustainability
Subject:	Updated Rental Replacement and Tenant Assistance Policy 0164
File:	2520-17/0282-20-0164

### RECOMMENDATION

THAT proposed “Rental Replacement and Tenant Assistance Policy 0164” be modified as described in Appendix A of the June 28, 2024 report from the Senior Manager of Community Planning & Sustainability.

### RECOMMENDATION

THAT proposed “Rental Replacement and Tenant Assistance Policy 0164”, attached as Appendix B to the June 28, 2024 report from the Senior Manager of Community Planning & Sustainability, be approved.

#### 1.0 Purpose

To recommend approval of a new District-wide Rental Replacement and Tenant Assistance Policy (attached as **Appendix B**).

#### 2.0 Legislation/Bylaw/Policy

The proposed Rental Replacement and Tenant Assistance Policy, if approved, would be a new Council policy. It would work in conjunction with the requirements of applicable provincial legislation, including the Residential Tenancy Act, and the District’s Official Community Plan and Zoning bylaws, to guide rezoning applications for existing rental sites.

#### 3.0 Council Strategic Objective(s)/Official Community Plan

##### *Official Community Plan*

The OCP includes a range of policies to encourage retention and replacement of rental housing, including:

2.1.16 Support existing purpose-built rental housing stock and renter households by:

- b. Enabling additional infill purpose-built rental units through bonus density where there is underutilized site area;

- c. Encouraging and requiring, where feasible, tenant assistance for renters when displaced through the redevelopment of purpose-built rental apartments;
  - d. Enabling full or partial replacement of purpose-built rental units through bonus density, increased height, and available zoning tools during redevelopment of rental apartments;
- 2.1.17 Secure new purpose-built market and non-market rental, seniors and supportive housing units in appropriate locations close to transit and amenities by:
- a. Incentivizing new rental units through bonus density, increased height, and available zoning tools;
  - e. Securing market and non-market rental housing units in perpetuity through Housing Agreements and available zoning tools.

## 4.0 Financial Implications

Administration of the proposed Rental Replacement and Tenant Assistance Policy would be undertaken by staff through the application review and rezoning processes.

## 5.0 Background

### 5.1 Previous Decisions

Council, at its May 27, 2024 regular meeting, passed the following resolution:

THAT proposed “Rental Replacement and Tenant Assistance Policy 0164”, attached as Appendix D to the May 17, 2024 report from the Senior Manager of Community Planning & Sustainability, be received for information and that staff consult with Ambleside Tenant Association regarding the terms of the policy and report back to Council within 30-60 days with amendments for Council’s consideration.

## 6.0 Analysis

### 6.1 Discussion

In response to Council's direction, this report recommends modifications (shown in red font in **Appendix A**) to a proposed Rental Replacement and Tenant Assistance Policy (**Appendix B**). This new policy would apply throughout West Vancouver to sites with more than four privately-owned, purpose-built market rental units (36 sites, with 2,038 units).

The policy, if approved, would require any rezoning applicant to address:

- A. Replacement of existing rental housing; and
- B. Tenant support, including financial assistance, relocation, moving costs, and right of first refusal to any replacement rental units.

This policy would communicate expectations to landowners and inform tenants of the range of assistance that would be secured should a rezoning application proceed. The requirement would be for a rental replacement and tenant assistance plan to be provided to Council at the preliminary application stage, setting the “basis” of what Council would consider through any rezoning process involving existing market, purpose-built rental housing.

Through this policy, Council would have an “early” tool to shape any such rezoning applications. Council could then, at its discretion, direct the approach for rental replacement and tenant assistance, based on the individual site and the merits of the rezoning proposal, prior to any formal application being considered. The formal application would then still go through the legislatively required bylaw consideration process.

## 6.2 Public Engagement and Outreach

Staff have been in regular contact with the Ambleside Tenants Association (ATA) since its formation. The ATA has provided ongoing feedback and input into the draft policy, including the proposed modifications.

## 6.3 Other Communication, Consultation, and Research

Staff have reviewed applicable approaches used by other local governments regarding rental housing and tenant assistance.

## 7.0 Options

### 7.1 Recommended Option

That Council approve the modified Rental Replacement and Tenant Assistance Policy 0164.

### 7.2 Considered Options

a) Provide alternative direction (to be specified).

## 8.0 Conclusion

The proposed policy would support Council’s review and consideration of rezoning applications for existing purpose-built, market rental housing. This policy, if approved, would provide Council with an early tool to direct assistance to existing tenants and ensure long-term rental housing supply.



Author:

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David Hawkins, Senior Manager of Community Planning & Sustainability

Appendices:

- A. Proposed Modifications to Rental Replacement and Tenant Assistance Policy 0164
- B. Rental Replacement and Tenant Assistance Policy 0164

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## Appendix A

### **Proposed Modifications to Rental Replacement and Tenant Assistance Policy 0164**

Starting on the following page is a copy of the proposed Rental Replacement and Tenant Assistance Policy 0164. Proposed modifications are shown, including additions (**red text**) and deletions (~~strike through black text~~).

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## POLICY

Title: Rental Replacement and Tenant Assistance Policy  
Division: Planning & Development Services  
Policy Number: 0164  
File Number: 0282-20-0164

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### 1. Purpose

- 1.1. ~~To manage the rezoning of rental buildings in a way that supports~~ **To support Council's review and consideration of rezoning applications of existing purpose-built, market rental housing in a way that assists** existing tenants and ensures the long-term supply of rental housing in the community. **The policy places existing tenants in a more secure position and informs applicants of the expectations of rezoning proposals and the rezoning process.**

### 2. Scope

- 2.1. This policy applies to rezoning applications involving ~~the demolition of privately-owned, purpose-built rental housing on a site with more than four~~ **purpose-built, market** rental units.
- 2.2. Sites containing housing that is operated as below market rental, including seniors housing, by non-profit housing societies, housing co-operatives, or other levels of government, are exempt from the requirements of this policy.
- 2.3. This policy does not apply to secondary market rental units, including single-family residences, secondary suites or coach houses, or to individually rented condominium units in a strata-titled building.

### 3. Definitions

- 3.1. *Applicant*, owner(s) or their representative(s) of a rental site, with the intent to rezone and redevelop the property, ~~and to demolish~~ **including** the existing purpose-built rental building.
- 3.2. *Formal Application Submission*, the provision by the *applicant* of a complete detailed application for rezoning to the District of West Vancouver.
- 3.3. *Household*, one or more individuals who have entered into a single tenancy agreement with the *applicant* on or before the *submission date* of the rezoning application subject to this policy.
- 3.4. *Preliminary Development Proposal*, the submission by the *applicant* of a preliminary proposal for review, to be updated and refined as required before the *formal application submission* for rezoning.

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- 3.5. *Preliminary Council Report*, prepared by staff for consideration by Council as part of the *preliminary development proposal* review, with an opportunity for Council direction in advance of the *formal application submission*.
- 3.6. *Preliminary Tenant Support Plan*, a document created by the *applicant*, shared with each *household*, and provided to the District as part of the *preliminary development proposal*. The *Preliminary Tenant Support Plan* covers the same topics as the *Tenant Support Plan*. Revisions and additions may be required, in response to staff input and Council direction, provided to the *applicant* as part of the *preliminary development proposal* review.
- 3.7. *Submission Date*, the date on which a complete *formal application submission* for rezoning is received by District staff.
- 3.8. *Tenant Relocation Coordinator*, a staff person employed or retained by the *applicant*, who is responsible for coordinating tenant assistance, including:
  - a) communication with tenant *households* and District staff;
  - b) being available to answer questions by phone and email at regular and consistent hours, including providing early communication and support to vulnerable tenants; and
  - c) record keeping, including keeping copies of written correspondence and notifications for one year following the occupancy of any replacement units on the site, and providing these to the District if requested.
- 3.9. *Tenant Support Plan*, a document created by the *applicant*, shared with each *household*, and provided to the District as part of the *formal application submission* for rezoning. The *Tenant Support Plan* includes the following and addresses all relevant sections of this policy:
  - a) Contact information of a *Tenant Relocation Coordinator* to support tenants in identifying housing options;
  - b) Documentation that written notification has been provided to each *household*, including the contact information of the *Tenant Relocation Coordinator*, a copy of this policy, and determination of eligibility, relocation assistance, and financial assistance;
  - c) Description of how tenants will be kept informed of the application and relocation process, including posting relevant resources and convening tenant meeting(s);
  - d) A summary of how the *applicant* will address the financial assistance, tenant relocation, moving costs, and right of first refusal provisions in this policy; and
  - e) Confirmation that the collection, management, and disclosure of all tenant information will be in compliance with the *Freedom of Information and Protection of Privacy Act* and *Personal Information Protection Act*.

## 4. Policy Statement

- 4.1. Council may consider rezoning applications for sites with existing rental housing, taking into account applicable plans and policies, fit and context, community housing needs, and the merits of each site-specific application.

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4.2. This policy provides guidance on the information required by the District from the *applicant* that will be considered as part of any rezoning application proposing the ~~demolition~~ **redevelopment of a site of containing** market rental housing.

4.3. As part of the *preliminary development proposal* and *formal application submission* for rezoning, the *applicant* must demonstrate how their proposal responds to the sections below.

### 4.4. Replacement of Existing Rental Housing

Identify how rental housing will be maintained on the site, based on the existing rental units existing on site as of January 1, 2024, with replacement rental based on:

- a) the existing residential rental floor area, or
- b) the number of bedrooms existing in rental units.

### 4.5. Addition of New Housing

Identify how any additional residential floor area or dwelling units (beyond the replacement of existing rental housing) will contribute to the community's rental and/or ownership housing needs.

### 4.6. Financial Assistance

Identify how each *household* will be provided with a minimum of four months' financial assistance, which must consider **each household's unique characteristics, including:**

- a) The individual rental unit type for each *household*;
- b) The length of each *household* tenancy; and
- c) Either the existing *household* monthly rent, or most recent Canada Mortgage and Housing Corporation West Vancouver Rental Market Survey median rent.

**Alternative approaches to financial compensation may be considered by Council, including rent top-up assistance.**

### 4.7. Tenant Relocation

Identify how each tenant *household*, if desired, will be provided with the opportunity to work with the *tenant relocation coordinator* to identify at least three options for rental accommodation, considering: geography, bedroom count, *household* composition (including pets), and monthly rental rate. Vulnerable tenants may require additional support, including early communication and notifications, and transportation support to view new rental housing.

### 4.8. Moving Costs

Identify how moving out and moving back costs will be covered, which may include providing residents a choice between the *household* or *applicant* hiring movers, as follows:

- a) A reimbursement from the *applicant* to each *household* for the cost of moving, with the *household* to hire and pay the mover(s), or
- b) The *applicant* to hire and pay insured mover(s) to move each *household*.



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### 4.9. Right of First Refusal

Identify how each *household*, if desired, will be provided with the right of first refusal to return to replacement rental housing on the subject site, with: a dwelling with the same bedroom count, or alternate bedroom count as agreed to by the tenant; **a dwelling that would allow for the return of pets approved through the household's existing tenancy agreement**; and, at a monthly rental rate that is equivalent or comparable to the previous *household* monthly rent or the Canada Mortgage and Housing Corporation West Vancouver Rental Survey median.

## 5. Administration

### 5.1. Preliminary Development Proposal

The *preliminary tenant support plan* will be reviewed by staff as part of the *preliminary development proposal* and provided for Council's consideration in the *preliminary Council report*. Council may, at its discretion, direct changes to what has been proposed, based on the preliminary application, site, and community housing needs, before the applicant's rezoning proposal may proceed to *formal application submission*.

### 5.2. Rezoning Application Submission

A final *tenant support plan* will be required as part of the *formal application submission* for rezoning. Council may, at its discretion, direct changes to what has been proposed and require conditions associated with approval of the rezoning. This may include the requirement to secure new rental housing through covenant(s), and to provide statutory declaration(s) on any proposed tenant assistance measure(s) secured through rezoning conditions.

### 5.3. Permit Issuance

If all criteria are met to enable the issuance of a development or building permit subject to this policy and the required notice in accordance with the *Residential Tenancy Act* (RTA), the permit will be conditional pending the *applicant* providing confirmation to the District that all responsibilities under this policy have been satisfied. At a minimum, confirmation will be required through statutory declaration:

- (a) As a condition of building permit issuance, to confirm that the *applicant* has provided compensation, relocation assistance, and has obtained current contact information for all *households*; and
- (b) As a condition of occupancy permit issuance, to confirm that the *applicant* has contacted former *households* to offer relocation assistance and the right of first refusal to return to rental housing on the site.

## 6. Council Authority

- 6.1. This policy provides Council with an additional tool to assist in its review and consideration of rezoning proposals that would include ~~the demolition of~~ **redevelopment of** existing rental housing. Council, at its discretion, may seek an alternative approach to either rental replacement and/or tenant assistance, based on

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the individual site context and the merits of the rezoning proposal. **However, unless determined otherwise by Council, the *tenant support plan* must address the provisions outlined in this policy.**

- 6.2. *Development Procedures Bylaw No. 4940, 2017*, provides the procedures for amendments to the Zoning Bylaw.

## 7. Related Policies or Procedures

- 7.1. *Preliminary Development Proposal and Public Consultation Policy 02-80-377, 2017*, establishes preliminary development proposal and public consultation procedures, to expand opportunities for public input and information sharing.

## 8. Approval

<b>Approved by</b>	<input type="checkbox"/> Municipal Manager	<input type="checkbox"/> Mayor and Council
<b>Approval date</b>	Click here to enter a date.	
<b>Council minutes eDocs # (Council Policies only)</b>		
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<b>Signature</b>	<div style="text-align: center;">             X              _____           </div>	

## 9. Additional Information

<b>Category</b>	<input type="checkbox"/> Council	<input type="checkbox"/> Administrative
<b>Related procedure</b>	<input type="checkbox"/> Yes (e.g. 0282-20-0001)	<input type="checkbox"/> No
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<b>Signature</b>	<div style="text-align: center;">             X              _____           </div>	

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