

# Tenant Relocation Policy

## City of Delta

### 1. Purpose

The City of Delta's Tenant Relocation Policy (the "Policy") is designed to reduce the impacts of redevelopment of Purpose-Built Rental Developments on existing tenants by ensuring that existing tenants have adequate time to find new housing, are provided with enhanced compensation where applicable, and receive priority for housing in the new development. The Policy was adopted by City of Delta Council on July 24, 2023 (the "Policy Adoption Date").

### 2. Definitions

**City** means the City of Delta.

**Designated Tenant** means the Eligible Tenant in each unit who communicates with the Tenant Relocation Coordinator on behalf of their unit, and receives the compensation described in the Policy for distribution to other Eligible Tenants in their unit. If there is one Eligible Tenant in a dwelling unit, the Eligible Tenant and Designated Tenant may be the same person. In the case of multiple Eligible Tenants within one dwelling unit, the Designated Tenant must be designated by the Eligible Tenants in the dwelling unit to communicate with the Tenant Relocation Coordinator, receive the compensation described in this Policy, and distribute that compensation amongst the other Eligible Tenants as laid out in Section 6. In cases where extra assistance is needed by an Eligible Tenant or Eligible Tenants (e.g., language barriers, elderly residents), the Designated Tenant may be someone who does not live in the unit and is designated by the Eligible Tenant or Eligible Tenants to act on their behalf for the purpose of the Policy.

**Developer** means the land owner, or their representative, of the lands containing a Purpose-Built Rental Development, and includes any successor land owner through the development process.

**Eligible Tenant** means:

- (a) a tenant occupying a rental unit of a Purpose-Built Rental Development at the time the City receives a complete rezoning application for the property; and
- (b) a tenant that recently occupied, but no longer occupies, a unit of a Purpose-Built Rental Development, if determined by the City, in its sole discretion, that the tenant vacated the unit due to reasons inconsistent with the intent of the Policy. This discretion is not intended to provide retroactive compensation to tenancies that were ended in good faith.

**Length of Tenancy** means the length of time, in months, that an Eligible Tenant has lived in the Purpose-Built Rental Development, calculated from the start of tenancy to the date of submission of a complete rezoning application to the City.

**Notice** has the meaning set out in Section 5.2.

**Occupancy Report** means the report that identifies tenants eligible for supports under this Policy.

**Policy** means the Tenant Relocation Policy.

**Policy Adoption Date** means the adoption date of the Policy, as set out in Section 1.

**Pre-Application** means a submission to the City in a form determined by the City, in its sole discretion, in advance of a rezoning application.

**Purpose-Built Rental Development** means a development with five or more dwelling units that are intended to be used for rental housing, and does not include buildings that are stratified.

**Relocation Assistance** has the meaning set out in Section 5.7. For clarity, Relocation Assistance is provided on a per-dwelling unit basis, rather than for each Eligible Tenant. Each unit, regardless of the number of tenants (eligible or otherwise), shall receive Relocation Assistance, which is to be disseminated by the Designated Tenant as set out in Section 6.

**Residential Tenancy Act** means *Residential Tenancy Act*, SBC 2002, c. 78.

**Tenant Relocation Coordinator** means the person acting as the single point of contact for communication with Eligible Tenants and the City on behalf of the Developer.

**Tenant Relocation Plan** has the meaning set out in Section 5.1.

**Tenant Relocation Report** has the meaning set out in Section 5.8.

### 3. Legislative Background

- 3.1 The Policy supplements, but does not supersede or replace, requirements in the *Residential Tenancy Act*.

### 4. Application

- 4.1 The Policy applies to all applications for rezoning of lands containing Purpose-Built Rental Developments.

- (a) For clarity, the Policy does not apply to the following:
- (i) secondary rental units, including accessory dwellings such as secondary suites and coach houses; and
  - (ii) rental units that are not within a Purpose-Built Rental Development.
- 4.2 The Policy applies to all applications for rezoning of lands containing Purpose-Built Rental Developments submitted to the City after the Policy Adoption Date.
- (a) Developers who have submitted applications for rezoning lands containing Purpose-Built Rental Developments prior to the Policy Adoption Date, but have yet to achieve third reading, are encouraged to use the Policy as a guide for supporting Eligible Tenants.
- 4.3 Despite Section 4.1, the City may consider alternate tenant supports brought forward by a Developer of non-market housing instead of the supports contained in the Policy if the Developer has its own policy that generally aligns with this Policy by providing suitable supports for Eligible Tenants.
- 4.4 Any project subject to the Policy requires the submission of a Pre-Application to the City.

## 5. Responsibilities of the Developer

The Developer must:

- 5.1 Submit a Tenant Relocation Plan (the “Tenant Relocation Plan”) to the City as part of the Pre-Application. As part of the Pre-Application process, City staff will review, provide feedback on, and approve the Tenant Relocation Plan prior to the Developer submitting a complete rezoning application.

Within two weeks of submission of a complete rezoning application, the Developer must provide the Tenant Relocation Plan to all Eligible Tenants. The Tenant Relocation Plan must include:

- (a) Details of the proposed project, such as proposed number of units, mix of purpose-built rental units and market strata units (i.e., materials typically provided through the Pre-Application);
- (b) A timeline and overview of the redevelopment process, and the process for providing supports to Eligible Tenants. This must highlight that a notice to end vacancy cannot be issued until after a demolition permit is issued by the City under the provisions of the *Residential Tenancy Act*, and must explicitly state

that final approval of the project is Council's decision, but that Relocation Assistance is available based on the approved Tenant Relocation Plan;

- (c) Information on Relocation Assistance available to Eligible Tenants;
  - (d) Information on resources for Eligible Tenants, including, but not limited to, the Tenant Relocation Policy, and instructions on how to access the resources provided by the Residential Tenancy Branch and the Tenant Resource and Advisory Centre; and
  - (e) Contact information for the Tenant Relocation Coordinator, including availability hours.
- 5.2 Provide Eligible Tenants with notice of the Developer's intent to redevelop the property (the "Notice") within two weeks of submission of the Pre-Application to the City. The Notice must include indication of the forthcoming Tenant Relocation Plan and that supports will be available for Eligible Tenants.
- 5.3 Use plain language for all written communication with Eligible Tenants and Designated Tenants. Offer translation services to all Designated Tenants, and provide translation services to Designated Tenants who request communication in a language other than English.
- 5.4 Designate a Tenant Relocation Coordinator who is responsible for the following:
- (a) Providing information to Designated Tenants regarding tenant resources.
  - (b) Responding to the Designated Tenants and City representatives by telephone and email during regular business hours. In connection with the foregoing, the Tenant Relocation Coordinator must have a telephone number and email address assigned to the specific development project, which must remain consistent if the designated Tenant Relocation Coordinator changes.
  - (c) Hosting a tenant information meeting for all Eligible Tenants, to which City staff are invited, within six weeks of submission of the rezoning application.
  - (d) Meeting with Designated Tenants to assess additional needs beyond the original Occupancy Report and providing an updated Occupancy Report to the City with additional information, such as accessibility, affordability, presence of children, presence of pets, need for translation services, and whether additional supports are required.

- (e) Maintaining records of:
    - (i) Letters and notices concerning Eligible Tenants for a minimum of one year following occupancy of the new rental units, to be provided to the City upon request.
    - (ii) Dates of any tenant information meetings and when the Tenant Relocation Plan was provided to Eligible Tenants, to be provided to the City as they become available.
    - (iii) Each Designated Tenant's choice to exercise or decline their right of first refusal as described in Section 5.7(d), to be provided to the City as part of the updated Tenant Relocation Report as described in Section 5.8.
  - (f) Finding a minimum of three alternative accommodation options in accordance with Section 5.7(a) and providing the options to each Designated Tenant.
  - (g) Supporting lower income Eligible Tenants in applications to BC Housing or other non-profit housing organizations, as necessary.
- 5.5 Provide information to the City that describes the Tenant Relocation Coordinator's experience and suitability for the work, as part of the Developer's Pre-Application submission.
- 5.6 Submit an Occupancy Report to the City with the complete rezoning application that includes:
- (a) names of all Eligible Tenants;
  - (b) Length of Tenancy for each Eligible Tenant;
  - (c) unit number (address);
  - (d) unit floor area;
  - (e) number of bedrooms in unit;
  - (f) number of occupants in unit;
  - (g) amount of rent (including damage deposits, pet deposits, and utilities as applicable); and
  - (h) existing vacancies.
- 5.7 Provide Relocation Assistance for all Designated Tenants as a condition of final adoption of the rezoning bylaw, regardless of whether they vacate the unit prior to Council approving the rezoning application. "Relocation Assistance" is defined as the

combined package of assistance to Designated Tenants as described in this Section, and includes assistance with finding new accommodation, moving expenses, financial compensation, the right of first refusal to return to the new development, and additional supports for vulnerable tenants. Relocation Assistance shall be provided, at a minimum, as described in this section. Developers are encouraged to exceed these minimums, particularly for longer term tenants that will be more impacted by relocation.

- (a) New accommodation in the city of Delta, which shall:
- (i) prioritize the same general area of residence of the Purpose-Built Rental Development;
  - (ii) meet the Eligible Tenants' needs as identified in the Occupancy Report, unless otherwise agreed to by the Designated Tenant in writing; and
  - (iii) charge rent generally not exceeding the greater of 10% above the Canada Mortgage and Housing Corporation median rent for the city of Delta, or 10% above the rent currently being paid for the existing unit.

In the event that such a unit is not available despite a reasonable effort by the Tenant Relocation Coordinator, or a tenant wishes to move outside the city of Delta, alternative arrangements can be made if agreed to by the Designated Tenant in writing.

- (b) Moving expenses, based on the number of bedrooms of the existing unit, within two weeks of serving the notice to end tenancy, or prior to fourth reading (whichever comes first) as follows:

<b>Number of Bedrooms</b>	<b>Moving Expenses</b>
One or fewer	\$1,000
Two	\$1,250
Three or more	\$1,500

- (c) Financial compensation, which may take the form of:
- (i) a lump sum payment;
  - (ii) free rent for the appropriate number of months in the current unit; or
  - (iii) a combination thereof,

at the option of the Designated Tenant.

Financial compensation is to be provided to the Designated Tenant within two weeks of serving the notice to end tenancy, or prior to fourth reading (whichever comes first), and will be calculated using the following formula:

$$3 \text{ months' rent} + \$15 \text{ per month of Length of Tenancy}$$

Note: the financial compensation in this Section is not intended to replace an Eligible Tenant's rights to notice and compensation provided for in the *Residential Tenancy Act*.

- (d) The right of first refusal for all Designated Tenants to return to the new development once complete, in a unit with the same number of bedrooms as the existing unit of each Designated Tenant (unless otherwise agreed to in writing by the Designated Tenant), as follows:
    - (i) Designated Tenants must express their interest in maintaining their right of first refusal prior to the project receiving fourth reading.
    - (ii) If a Designated Tenant is interested in maintaining their right of first refusal, the Developer and Designated Tenant must enter into an agreement that secures that right. This agreement must stipulate that future owners are bound by the agreement in the event that the property changes ownership.
    - (iii) For new developments that include a market rental component, returning tenants must be offered a minimum 20% discount below average market rental rates for units equivalent to their new unit (e.g., number of bedrooms, accessibility). For new developments that include a market strata component, returning tenants must be offered a minimum 5% discount on the sale price.
    - (iv) For new developments that include a rental component with rents less than those contemplated in Section 5.7(d)(iii), Developers are encouraged to offer these units to returning Designated Tenants, should those Designated Tenants meet any other criteria placed upon those units through other agencies (e.g., BC Housing, a non-profit housing provider) or agreements (e.g., housing agreement).
  - (e) The Developer is encouraged to provide supplementary supports as required for those identified as having additional needs through the updated Occupancy Report.
- 5.8 Prior to fourth reading of the proposed development project, provide a Tenant Relocation Report to the City, signed by an authorized signatory of the Developer, serving as a declaration that all components of the Tenant Relocation Plan have been satisfied prior to fourth reading. The Tenant Relocation Report must include the following information:
- (a) Which Designated Tenants have chosen to vacate their unit;
  - (b) What Relocation Assistance has been provided to each Designated Tenant;

- (c) Which Designated Tenants have successfully relocated, and where they have relocated;
- (d) Which Designated Tenants, if any, have declined their right of first refusal to return to the new development; and
- (e) Copies of all agreements between the Developer and Designated Tenants relating to the Designated Tenants' exercise of their right of first refusal to return.

all of which must be updated by the Developer at the time of occupancy of the new development, if necessary.

- 5.9 Administer all information in compliance with the *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c. 165 and the *Personal Information Protection Act*, S.B.C. 2003, c. 63.

## 6. Responsibilities of the Designated Tenant

Designated Tenants must, on behalf of Eligible Tenants in their unit:

- 6.1 Ensure that all Eligible Tenants in the Designated Tenant's dwelling unit receive all information provided by the Developer and Tenant Relocation Coordinator;
- 6.2 Submit a form, an example of which is provided to the Developer for this purpose by the City, signed by all Eligible Tenants, to the Tenant Relocation Coordinator assigning the role of Designated Tenant;
- 6.3 Provide any requested information about each Eligible Tenant in the Designated Tenant's dwelling unit to the Tenant Relocation Coordinator; and
- 6.4 Fairly distribute, at the Designated Tenant's discretion, the compensation provided under the Policy to each Eligible Tenant in the Designated Tenant's dwelling unit.