



CORPORATION OF THE TOWNSHIP OF ESQUIMALT
COUNCIL POLICY

TITLE:	Tenant Assistance Policy	NO.	PLAN-38
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Effective Date:	October 30, 2023
Approved by:	Council
Reference:	Staff Report No. DEV-23-057]
Amends:	

POLICY:

See attached Tenant Assistance Policy



Tenant Assistance Policy

1.0 Policy Intent

The Tenant Assistance Policy has been developed to help mitigate the potential impacts of displacement on tenants by providing guidelines for developers and property owners to provide additional supports for tenants who are displaced as a result of major renovations or development.

2.0 British Columbia Residential Tenancy Act

British Columbia's *Residential Tenancy Act* (RTA) regulates all tenancy agreements in residential units across the province. The Tenant Assistance Policy does not replace tenant rights and obligations set out in the RTA but is intended to complement the RTA.

2.1 Notice to End Tenancies

The RTA sets out minimum notice that a landlord must give tenants to move out in case of renovations to or demolition of an existing building.

Under section 49.2 of the RTA, if an order is issued ending the tenancy and granting the landlord possession of a rental unit for renovations or repairs, possession of the rental unit must have an effective date that is:

- (a) not earlier than 4 months after the date the order is made,
- (b) the day before the day in the month, or in the other period on which the tenancy is based, that rent is payable under the tenancy agreement, and
- (c) if the tenancy agreement is a fixed term tenancy agreement, not earlier than the date specified as the end of the tenancy.

If a landlord gives notice to end a tenancy to demolish or undertake conversions set out in section 49(6) of the RTA, the tenant must vacate the rental unit by the date in the notice, unless the tenant disputes the notice within 30 days after receiving the notice.

2.2 Renovations and Repairs

Under the RTA, renovations and repairs must be so extensive that they require the unit to be empty in order for them to take place, and the only way to achieve the necessary emptiness or vacancy is by terminating a tenancy. The RTA and associated guidelines provide specific guidance pertaining to whether a landlord may end a tenancy to undertake renovations or repairs to a rental unit.

2.3 Right of First Refusal

In instances of renovations or repairs requiring vacancy, the RTA requires tenants be offered the right of first refusal to enter into a new tenancy agreement. This right of first refusal applies only to a rental unit in a residential property containing 5 or more units.

3.0 Policy Target

The Tenant Assistance Policy is applicable to rezoning applications that will result in a loss of existing residential rental units.

3.1 Applicable Housing Types

This policy applies to:

- Purpose-built market rental buildings.

3.2 Eligible Tenants

Eligible Tenants are tenants who should be included in the Tenant Assistance Plan, as defined in section 3.3 of this Tenant Assistance Policy and includes all tenants who reside in the building at the time a rezoning application is submitted. Tenants who move into a rental unit on the property after the submission date are not eligible but should be made aware of the active application(s) before moving in.

In cases where an eligible tenant moves out prior to receiving a Notice to End Tenancy from the landlord, they are still entitled to full financial compensation and the additional support they are eligible for under the Tenant Assistance Policy.

3.3 Tenant Assistance Plan

Applicants shall communicate their intention to renovate or redevelop with tenants throughout the process prior to submitting any application and continue to communicate throughout the process. The Tenant Assistance Plan should be developed with input from tenants and once finalized, the full plan should be communicated to tenants. For any renovation or redevelopment that requires relocation of existing tenants, the property owner must create a Tenant Assistance Plan that includes:

- Written letter or email sent by the applicants to all tenants outlining the proposed project and expected timeline
 - Before the effective date to vacate the rental unit set out in a notice to end the tenancy to demolish the rental unit or undertake conversions under section 49(6) of the RTA; and
 - In the case of an order granting the landlord possession of the rental unit to repair or renovate the rental unit. under section 49.2 of the RTA;
 - not earlier than 4 months after the date the order is made,
 - the day before the day in the month, or in the other period on which the tenancy is based, that rent is payable under the tenancy agreement, and
 - if the tenancy agreement is a fixed term tenancy agreement, not earlier than the date specified as the end of the tenancy.
- Written commitment to provide compensation equal to or greater than the compensation specified in the Tenant Assistance Policy
- Relocation assistance
- Moving costs and assistance
- Right of First Refusal.

4.0 Tenant Assistance Plan

4.1 Compensation

Compensation shall be given to displaced tenants. Compensation may take the form of free rent, a lump sum payment, or a combination of both.

Compensation is to be based on length of tenancy at either:

- (1) The higher of Canada Mortgage and Housing Corporation (“CMHC”) average rent for the Township of Esquimalt (as identified in CMHC’s most recent Annual Rental Market Report, adjusted annually and identified in Table 1 – Rental Compensation below) and the tenant’s existing rent; or

Table 1 - Rental Compensation

CMHC Average Rent ¹	Length of Tenancy
<ul style="list-style-type: none"> • Studio: \$1,044 • 1BR: \$1,269 • 2BR: \$1,403 • 3BR+: \$1,799 	<ul style="list-style-type: none"> • Up to 5 years: 3 months’ rent • 5 to 9 years: 4 months’ rent • 10-19 years: 5 months’ rent • 20+ years: 6 months’ rent

- (2) Free rent in a different building for the length of time identified in Table 1 – Rental Compensation

For tenants receiving government or rental assistance where program eligibility is based on taxable income, such as BC Housing’s Rental Assistance Program (RAP), Shelter Aid for Elderly Renters (SAFER), Income Assistance, Disability Assistance, etc., compensation in the form of free rent for the length of time identified in Table 1 – Rental Compensation in a different building is preferable.

4.2 Moving Expenses and Assistance

One of two options shall be provided to displaced tenants, at the discretion of the landlord:

- (1) An insured moving company may be hired by the applicant, with all arrangements and costs covered within Greater Victoria; or
- (2) Flat rate compensation (based on unit size) provided to the tenant at the rate of:
 - \$500 for studio and one-bedroom households
 - \$750 for two-bedroom households
 - \$1,000 for three or more-bedroom households

When a tenant is exercising the Right of First Refusal (Section 4.4), moving expenses shall be provided for both the move out and return to the building.

¹ CMHC Rental Market Report 2022

4.3 Relocation Assistance

Tenant Relocation Coordinator

An experienced Tenant Relocation Coordinator should be hired or appointed by property owner or landlord to assist tenants with finding alternative rental housing options. For effective implementation of the Tenant Assistance Policy, applicants are encouraged to hire a third-party Tenant Relocation Coordinator.

The Tenant Relocation Coordinator:

- will be the primary contact with the Township on tenant-related matters.
- have contact information posted within the building and be responsive to tenants at regular and consistent hours.
- Must maintain and update relocation and compensation records of all eligible tenants

Alternate Housing Options

At least three housing options should be presented to the tenant(s). The units should be:

- Comparable in terms of size, location, and rent amount (unless otherwise agreed to by tenant)
- Located in the Capital Regional District, with at least one in the same neighbourhood (unless the tenant has indicated preference for another location)
- Rent at no more than the Canadian Mortgage and Housing Corporation (CMHC) average rents for the Township of Esquimalt, or at a rate comparable to the tenant's current rate if current rent is higher than CMHC average.
- Tailored to the tenant wherever possible.

4.4 Right of First Refusal

Tenants shall be offered the Right of First Refusal, which is the right for the tenant being displaced to return to the building once renovations or redevelopment is complete. Returning tenants should be offered rents at 20% below starting market rents for the new units, with the following considerations:

- If a tenant's current rent is higher than the proposed 20% below market rent level, the right of first refusal can be offered at the tenant's current rental rate.
- Tenants should be offered to be moved back to the building with moving expenses covered per Section 4.2

5.0 Exemptions

Non-market housing providers are exempt from the Tenant Assistance Policy. As non-market housing providers typically have established tenant relocation and assistance practices in place, the Tenant Assistance Plan as outlined in Section 4 should be considered as guidance.

6.0 Vacant Units

Special requirements apply where the rental building is vacant at the time of a rezoning application as a consequence of:

- A vacant possession having been a condition of property purchase;
- A notice to end tenancy was issued without proper permits and necessary approvals in place for demolition of the rental unit or conversions as set out in section 49(6) of the RTA; or
- Without an order granting the landlord possession of the rental unit for renovations or repairs under 49.2 of the RTA.

In these cases, the rezoning application will need to be supplemented with additional information, which may include supporting documents and legal notices delivered to the tenants, so as to afford the Township the ability to confirm and verify that the process by which the building was vacated was, to the best of their knowledge, carried out in compliance with this Policy and the RTA.

7.0 Procedure for Implementation, Documentation, and Final Report

Once the Tenant Assistance Plan has been approved by Township staff and Council, the applicant is responsible for communicating the plan to tenants, and for implementing the plan as described in this policy.

Throughout implementation, landlords should keep good records of communication with tenants, including housing options provided and acceptances of alternate housing provided so that they may provide relevant information to the Township.

A final Tenant Assistance Report shall be submitted prior to the issuance of a demolition permit. At minimum, the report should include:

- Unit numbers of tenants eligible for the Tenant Assistance Plan
- A summary of the financial compensation and assistance given to each eligible tenant per unit (e.g., moving costs, rent, etc.)
- Outcome of each eligible unit's search for accommodation
- Eligible units who have exercised the right of first refusal

No third-party personal information may be included in either the Tenant Assistance Program or the final Tenant Assistance Report such as, but not limited to, name, age, ethnicity, gender, and marital status. Plans of reports submitted containing this information will not be accepted and shall be returned to the applicant. The applicant will be responsible for removing the third-party personal information and resubmitting the documents in accordance with this policy.