

# Tenant Assistance Policy Review and Enhancements



## Introduction

- The Tenant Assistance Policy (TAP) is to help mitigate the 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 renovations or development.



## Purpose

- To provide Council with information, analysis, and recommendations on enhancements to the TAP following a one-year review of the policy, and considering conclusions of the Rental Housing Task Force and changes to the *Residential Tenancy Act* (RTA) that may impact provisions outlined in the TAP.



Tenant Assistance Policy Review and Enhancements – September 19, 2019

## Residential Tenancy Act

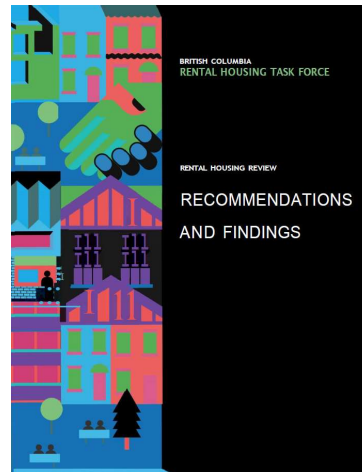
Changes to the RTA	Prior to May 17, 2018	Effective May 17, 2018
Notice to End Tenancy (for demolition, renovation or repair, and conversion)	Two months	Four Months
Right of First Refusal	None	In residential property containing five or more rental units where the landlord is ending tenancy to renovate or repair the rental unit, tenant must be offered unit in new or repaired building (no specification of price)
Implications if tenant exercises right of first refusal and landlord does not give the tenant a 45-day notice of availability <b>and</b> a tenancy agreement to sign	N/A	Landlord compensate 12 months' rent to tenant (unless excused by an arbitrator in extenuating circumstances)
Implications if landlords end tenancy for landlord use and don't accomplish the stated purpose within a reasonable period <b>or</b> don't use the rental unit for the stated purpose for at least 6 months (beginning within a reasonable period)	Compensation of two months' rent to tenant	



Tenant Assistance Policy Review and Enhancements – September 19, 2019

# Rental Housing Task Force

- December 2018 released with 23 recommendations
- Five recommendations relevant to TAP



Tenant Assistance Policy Review and Enhancements – September 19, 2019

# TAP Year-in-Review

- 17 Total Tenant Assistance Plans
  - 14 Market Rental
  - 3 Non-Market Rental

**VICTORIA**  
Sustainable Planning and Community Development  
1 Central Square  
Victoria, BC V6W 1T6

## Tenant Assistance Plan

This form must be submitted with your rezoning or development application. For contact, please send questions to your development services planner.

---

**SUMMARY: INSTRUCTIONS AND STEPS FOR DEVELOPERS AND PROPERTY OWNERS**

<b>STEP 1</b>	<b>BACKGROUND:</b> Understand your rights and responsibilities as a landlord. Please review the documents in the background section pertaining to relocating tenants and the City's rental replacement policies.
<b>STEP 2</b>	<b>POLICY APPLICATION:</b> Complete tenant impact assessment to determine the requirements of your application. Complete application requirements, including: a. Current City Information b. Tenant Assistance Plan c. Tenant Communication Plan d. Appendix A - Current Occupant Information and Rent Rules (CONFIDENTIAL - For office use only) e. Appendix B - Correspondence with Tenants Communication (CONFIDENTIAL - For office use only)
<b>STEP 3</b>	<b>SUBMIT:</b> Complete form and submit to: 1. Development Services Center as part of your rezoning or development application (EXCLUDE appendices) 2. Final right step of plan to <a href="mailto:tenant@cityofvictoria.ca">tenant@cityofvictoria.ca</a> (EXCLUDE appendices)
<b>STEP 4</b>	<b>REVISE:</b> Applicant to update and return application requirements with staff input.
<b>STEP 5</b>	<b>FINALIZE:</b> City staff to finalize this review and sign off application requirements and used as attachment for the Committee of the Whole report.

---

**BACKGROUND: Rights and Responsibilities of Landlords and Tenants**  
The rights and responsibilities of landlords and tenants are regulated by the Province and is set out in the [Residential Tenancy Act](#).

Please refer to the City of Victoria's [website](#) for more information regarding the City of Victoria's rental housing policies. Supporting documents include:

- [Tenant Assistance Policy](#)
- [Tenant Assistance Policy Review and Checklist](#)
- [Tenant Assistance Policy Guidelines](#)
- [Final Tenant Assistance Plan](#)
- [Sample Letter to Tenants](#)

1



Tenant Assistance Policy Review and Enhancements – September 19, 2019

## TAP Year-in-Review

MARKET RENTAL	#		
Tenant Assistance Plans	14		
Total Units	78	TAP Average Rents / Month <sup>1</sup>	CMHC Victoria Average Rent <sup>2</sup>
Occupied Units	55	1,095	\$1,166
Studio	8	\$754	\$935
1 BR	46	\$964	\$1086
2BR	19	\$1,386	\$1,438
3BR+	5	\$1,588	\$1,766
Vacant Units	23	-	-

<sup>1</sup>Rent roll information collected from Tenant Assistance Plans

<sup>2</sup>CMHC Rental Market Report 2018

<sup>3</sup>Non-Profits provided a range in rent that may affect the average rents per month

<sup>4</sup>Victoria Housing Strategy Phase Two: 2019 - 2022



Tenant Assistance Policy Review and Enhancements – September 19, 2019

## TAP Year-in-Review

NON-MARKET RENTALS	#		
Tenant Assistance Plans	3		
Total Units	97	TAP Average Rents / Month <sup>1</sup>	City of Victoria Affordable rents <sup>4</sup>
Occupied Units	96	\$587	-
Studio	14	\$433	\$375 – \$875
1 BR	43	\$646 <sup>3</sup>	\$425 – \$1,050
2BR	29	\$865 <sup>3</sup>	\$575 – \$1,300
3BR+	0	N/A	\$700 – \$1,750
Vacant Units	1	-	-

<sup>1</sup>Rent roll information collected from Tenant Assistance Plans

<sup>2</sup>CMHC Rental Market Report 2018

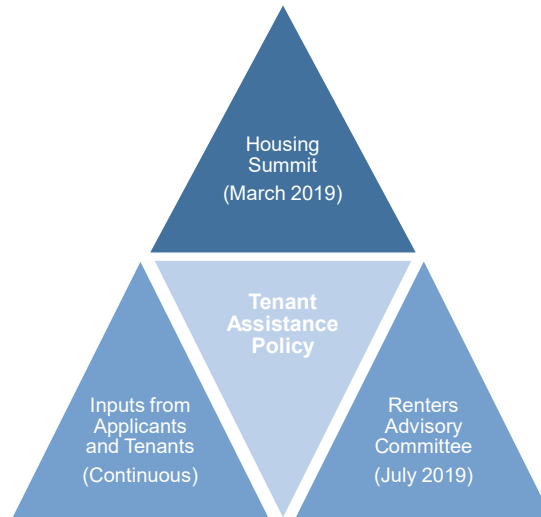
<sup>3</sup>Non-Profits provided a range in rent that may affect the average rents per month

<sup>4</sup>Victoria Housing Strategy Phase Two: 2019 - 2022



Tenant Assistance Policy Review and Enhancements – September 19, 2019

## Stakeholder Engagement



Tenant Assistance Policy Review and Enhancements – September 19, 2019

## Areas of Strength

- Policy being met by applicants
- Policy being applied in other permits
- Tenants receiving support from policy



Tenant Assistance Policy Review and Enhancements – September 19, 2019

## Areas for Improvements

- Right of First Refusal improvements
- Moving expenses for family-friendly units (3BR+)
- Tenant relocation coordinator roster list
- Vulnerable tenants
- Staff time and resourcing
- Education and awareness



Tenant Assistance Policy Review and Enhancements – September 19, 2019

## Implementation

- Staff recommend moving implementation with all new and in-stream applications
- Tenant Assistance Plans that have been approved by Council will refer to the existing policy



Tenant Assistance Policy Review and Enhancements – September 19, 2019

## Recommendations

1. Update the Tenant Assistance Policy as follows:
  - a. Update compensation structure for market rental housing to be based on length of tenancy at either:
    - 1) The higher of CMHC average rent for the City of Victoria (as identified in CMHC's Annual Rental Market Report, adjusted annually) or the tenant's existing rent; or
    - 2) Free rent in the new building
  - b. Update compensation structure for non-market or social housing to be based on length of tenancy and tenant's existing rents, where compensation on free rent in new building is preferred
  - c. Add a moving expense option for 3+ bedroom units at \$1,000
  - d. Where right of first refusal applies, moving expenses are covered for both the move out and return to the building
  - e. "Vulnerable Tenants" to be referred to as "Tenants Requiring Additional Assistance" with additional supports identified



Tenant Assistance Policy Review and Enhancements – September 19, 2019

## Recommendations

2. Consider an additional 1 FTE for the Tenant Ambassador Position as part of the 2020 Financial Planning process
3. Report back to Council on the following changes to the Residential Tenancy Act that may impact provisions outlined in the Tenant Assistance Policy



Tenant Assistance Policy Review and Enhancements – September 19, 2019