



City of Victoria
Sustainable Planning and Community Development
1 Centennial Square
Victoria, BC V8W 1P6

Attention: Julie Edney, Housing Planner

Dear Sirs/Mesdames:

Re: Amica Jubilee House Phase 2 – Tenant Assistance Plans

Further to your email correspondence of April 11, 2023, we enclose updated Tenant Assistance Plans for the 4 single family houses (with/without secondary suites) included in our rezoning application that have relevant tenants in place. As you know, the City previously confirmed that TAPs would not be required to be submitted with its application and we relied in good faith on that advice. The City has now changed its position and requires us to provide TAPs in order for the City to proceed with the rezoning application. As a gesture of good will and in order to avoid further delay to our application, we prepared and provided TAPs for the properties. Your email indicated that the City is not satisfied with the terms of the TAPs as submitted.

We note that the BC *Residential Tenancy Act* governs residential tenancies and sets out the terms and conditions applicable to the termination of residential tenancies required for demolition and redevelopment. Specifically, the Act provides that residential tenants are entitled to four months' advance written notice and payment of compensation in an amount equal to one months' rent. Our TAPs as submitted confirmed that the terminations of the subject tenancies would fully comply with the legal requirements of the Act.

The City's Tenant Assistance Policy, updated in January 2023, sets out the City's recommendations for additional compensation to "eligible" tenants over and above the legal requirements of the Act. The Policy specifically acknowledges that its recommendations are just that, recommendations, and are not intended to fetter the discretion of Council in considering individual applications. Eligible tenants under the Policy are those who have lived in the building for one year or more at the time the rezoning application is submitted. On a practical basis, eligible tenants will also only include those otherwise eligible tenants who are still in occupancy at the time the actual notices of termination are provided, which will be at some time in the future.

Your email encourages us to revise our submitted TAPs to include the compensation, relocation assistance, moving costs and additional assistance as outlined in the Policy. In the particular circumstances of this situation, this is a challenge. However as a further gesture of good will and to avoid further delay in the processing of our application resulting from the TAP process, we have updated the TAPs as set out in the enclosed forms. Specifically, notwithstanding that most of the tenancies are of relatively short term and there is no way of knowing at this time

which, if any, of the current tenants will be in occupation of the buildings at the relevant time, we have increased the lump sum compensation that will be paid to all of the tenants of the properties to two months' rent, plus a \$500 contribution to moving costs. As there are only a handful of tenants, the hiring of an external relocation coordinator and establishment of a relocation program is not appropriate or warranted.

As you know, we do not own the properties in question. We have in place agreements to purchase the properties, which agreements are conditional on the City's response to the application. While we have been authorized by the current owners to pursue the application, we are not authorized to directly contact or negotiate with the current owners' tenants. We do not know what the tenants' current rental rates are. If the application is successful at the Committee of the Whole and the purchases complete, we will become the landlord for the subject tenants and will initiate discussions with the tenants regarding the TAP within 1 week. We will then keep the tenants apprised of the progress of the project and if/when the tenancies are terminated for the project to proceed, we will ensure that the requirements of the Act as well as the commitments in the TAPs are met for the tenants then in occupancy of the properties.

We believe that this approach to the TAPs in question is more than reasonable in the circumstances and is consistent with the goals of the Policy. In addition, our proposed project is consistent with the City's goal as set forth in Section 13 of the OCP to support the regeneration or redevelopment of older ground-oriented rental, to encourage the development of greater density of purpose-built rental units. Hopefully, staff will agree and respond positively to the updated TAPs as enclosed herewith in order to move the application forward without further delay.

Yours truly,

Milliken Developments Ltd.

Per: Donald R. Milliken

Chelsea Medd

From: James Milliken <jmilliken@millikendevelopments.com>
Sent: July 26, 2023 2:27 PM
To: Julie Edney; Andrea Hudson
Cc: Don Milliken; Chelsea Medd
Subject: Re: Updated TAP Forms (Jubilee Phase 2)

Julie,

We don't think it's necessary to, again, change the TAP form. However, we confirm that we are committed to providing:

Eligible Tenants:

- to be compensated per the Tenant Assistance Policy
- Compensation: 3 – 5 months rent depending on length of tenancy
- Moving expenses: \$750/\$1000/\$1,250 depending on unit size

Ineligible tenants:

- Compensation: 3 months rent
- Moving expenses: \$750 regardless of unit size

We have been more than cooperative every step of the way. Can we please get confirmation today that the TAP documentation discussion is complete?

Regards,

James Milliken
 Vice President, Development

Milliken Developments
 100 – 2489 Bellevue Avenue
 West Vancouver, BC V7V 1E1

C: (778)-994-4482

From: Julie Edney <jedney@victoria.ca>
Date: Wednesday, July 26, 2023 at 1:58 PM
To: James Milliken <jmilliken@millikendevelopments.com>, Andrea Hudson <AHudson@victoria.ca>
Cc: Don Milliken <drmilliken@millikendevelopments.com>, Chelsea Medd <cmedd@victoria.ca>
Subject: RE: Updated TAP Forms (Jubilee Phase 2)

James, based on your reply the inconsistency remains. Just so we are 100% clear, please confirm if this understanding is correct about the total compensation & moving expenses:

Eligible Tenants:

- to be compensated per the Tenant Assistance Policy
- Compensation: 3 – 5 months rent depending on length of tenancy
- Moving expenses: \$750/\$1000/\$1,250 depending on unit size

Ineligible tenants:

- Compensation: 3 months rent
- Moving expenses: \$500 regardless of unit size

If this is the case, I would ask that you revise your TAP for 1935 Ashgrove (the only property where you've indicated there are ineligible tenants) because it suggests that all tenants will receive at least \$750 for moving expenses, not \$500. As these forms will be attached to the committee report and part of the public record, even though they are draft, we want to avoid anyone being misled as to what compensation you will be offering.

Julie Edney, RPP MCIP
Housing Planner
Sustainable Planning and Community Development
City of Victoria
1 Centennial Square, Victoria BC V8W 1P6
T 778.746.7368



The City of Victoria is located on the homelands of the Songhees and Esquimalt People.

From: James Milliken <jmilliken@millikenddevelopments.com>
Sent: Wednesday, July 26, 2023 12:28 PM
To: Andrea Hudson <AHudson@victoria.ca>
Cc: Don Milliken <drmilliken@millikenddevelopments.com>; Chelsea Medd <cmedd@victoria.ca>; Julie Edney <jedney@victoria.ca>
Subject: Re: Updated TAP Forms (Jubilee Phase 2)

Hi Andrea,

Sorry for the misunderstanding. Our letter states that we are going above and beyond the requirements of the TAP by offering all tenants 2 months' rent and \$500 for moving expenses regardless if they are owed compensation or not. The TAP forms further specify by property what tenants will be provided depending on how long they have been a tenant, which we agree with.

Regards,

James Milliken
Vice President, Development

Milliken Developments
100 – 2489 Bellevue Avenue
West Vancouver, BC V7V 1E1

C: (778)-994-4482

From: Andrea Hudson <AHudson@victoria.ca>

Date: Wednesday, July 26, 2023 at 12:17 PM

To: James Milliken <jmilliken@millikendevlopments.com>

Cc: Don Milliken <drmilliken@millikendevlopments.com>, Chelsea Medd <cmedd@victoria.ca>, Julie Edney <jedney@victoria.ca>

Subject: RE: Updated TAP Forms (Jubilee Phase 2)

Hello James,

Thank you for the updated letter – we appreciate that.

There is one last item on this that we need some clarification on: your Tenant Assistance Plan indicates flat rate compensation for moving expenses (\$750 for 1 bedroom units and \$1000 for 2 bedroom units) and your more recent letter states \$500, so there is an inconsistency between the documents and we weren't sure which prevails.

I appreciate that you will be able to understand the tenants needs better once you have acquired the property and can speak with them directly in future, but can you please clarify for us which intended amount you are proposing? While staff have been working with your team for a while, Council will be seeing your proposal and associated plans for the first time when it is published on the agenda, and we want to ensure they are clear on all aspects to help them make a decision, and so that staff are able to answer any questions if asked by Council.

Thanks for helping finalize this.

Sincerely, Andrea

Andrea Hudson, MCIP RPP

Pronouns: she/her

Assistant Director, Community Planning

Sustainable Planning and Community Development

City of Victoria

1 Centennial Square, Victoria BC V8W 1P6

T 250.361.0555



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From: James Milliken <jmilliken@millikendevlopments.com>

Sent: Wednesday, July 26, 2023 10:45 AM

To: Housing <housing@victoria.ca>

Cc: Chelsea Medd <cmedd@victoria.ca>; Don Milliken <drmilliken@millikendevlopments.com>

Subject: Re: Updated TAP Forms (Jubilee Phase 2)

Hi Julie,

We've reviewed your email and have modified the letter to specify that we will communicate with the current tenants within 1 week of purchasing the homes. Our current purchase agreements stipulate the need for feedback from Mayor and Council prior to removing subjects, so placing timelines is challenging considering we are still waiting for the City to set the Committee of the Whole date. I hope we have been clear throughout this process that we will follow all the

requirements regarding notice and compensation for the tenants, but need feedback from Mayor Alto and Council in order to proceed.

Can we please have your confirmation that the TAP documentation is complete?

Regards,

James Milliken
Vice President, Development

Milliken Developments
100 – 2489 Bellevue Avenue
West Vancouver, BC V7V 1E1

C: (778)-994-4482

From: Housing <housing@victoria.ca>
Date: Tuesday, July 25, 2023 at 5:00 PM
To: James Milliken <jmilliken@millikendevlopments.com>
Cc: Chelsea Medd <cmedd@victoria.ca>
Subject: RE: Updated TAP Forms (Jubilee Phase 2)

Hi James,

Please see the attached recommended changes. I trust you'll find this helpful in communicating the nuances of your ownership situation to council and its impacts on your ability to conform to the Policy at this stage, while underscoring it as a work in progress that you are committed to achieving compliance on prior to Public Hearing. If you have any questions, I'm happy to hop on a call tomorrow to discuss.

Regards,

Julie Edney, RPP MCIP
Housing Planner
Sustainable Planning and Community Development
City of Victoria
1 Centennial Square, Victoria BC V8W 1P6
T 778.746.7368



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From: James Milliken <jmilliken@millikendevlopments.com>
Sent: Tuesday, July 25, 2023 3:56 PM
To: Housing <housing@victoria.ca>
Cc: Chelsea Medd <cmedd@victoria.ca>
Subject: Re: Updated TAP Forms (Jubilee Phase 2)

Hi Julie,

Yes, as previously stated we will communicate with the tenants within 1 week of purchasing the homes.

I'm in meetings until 5:30pm. Can you please send an email outlining the requested changes to the letter?

Regards,

James Milliken
Vice President, Development

Milliken Developments
100-2489 Bellevue Avenue
West Vancouver, BC V7V 1E1

Cell: (778)-994-4482

On Jul 25, 2023, at 3:01 PM, Housing <housing@victoria.ca> wrote:

Hi James,

Thanks for making those changes.

The TAPs are looking more supportable, but timing of final sign-off on your plan will require submission of written correspondence from tenants, including completed Tenant Request for Assistance Forms, in order to finalize the TAPs confirm that policy expectations have been met. This won't prevent us from advancing your proposal to Committee of the Whole though, it will just mean we will defer approval of the TAP until tenants have been consulted, which should be possible to do prior to Public Hearing. Please confirm that you would be willing to provide an update at Public Hearing regarding tenants requiring additional assistance.

There is also the issue of your letter, as I have some suggestions that would probably lead to fewer questions about your TAP as you proceed through the process. Please give me a call before 3:30 if possible to discuss.

Best,

Julie Edney, RPP MCIP
Housing Planner
Sustainable Planning and Community Development
City of Victoria
1 Centennial Square, Victoria BC V8W 1P6
T 778.746.7368

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From: James Milliken <jmilliken@millikendevlopments.com>
Sent: Tuesday, July 25, 2023 12:30 PM
To: Housing <housing@victoria.ca>
Subject: Re: Updated TAP Forms (Jubilee Phase 2)

Hi Julie,

The attached, TAP forms have been updated per your request.

Please ensure our letter is included in the package submitted to Mayor and Council.

Regards,

James Milliken
Vice President, Development

Milliken Developments
100 – 2489 Bellevue Avenue
West Vancouver, BC V7V 1E1

C: (778)-994-4482

From: Housing <housing@victoria.ca>
Date: Tuesday, July 25, 2023 at 11:58 AM
To: James Milliken <jmilliken@millikendevlopments.com>
Subject: RE: Updated TAP Forms (Jubilee Phase 2)

Hi James,

Thanks for submitting your revised TAPs. Upon review there are some minor tweaks needed to ensure I'm able to sign off on your plan's alignment with the policy. Specifically, they relate to Relocation Assistance (section [5.3 of the policy](#)) and Additional Assistance (section 7.0). The current wording of your TAP doesn't address these aspects as it only refers to notification and coordination of payments to tenants. Please revise as noted in the comments I've provided in the attached reviewed copy. My comments apply to all properties, so the revisions should be copied into all four of the forms. As mentioned, you are also welcome to submit them all as one form, making use of the "Other Comments" section of the form if some fields like the Owners Name are too restrictive for your project specifics.

With those revisions, I should be able to sign off on you as meeting the policy.

Feel free to give me a call if you have any questions.

Julie Edney, RPP MCIP
Housing Planner
Sustainable Planning and Community Development
City of Victoria
1 Centennial Square, Victoria BC V8W 1P6
T 778.746.7368

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From: James Milliken <jmilliken@millikendevolutions.com>

Sent: Tuesday, July 25, 2023 10:41 AM

To: Julie Edney <jedney@victoria.ca>; Housing <housing@victoria.ca>

Subject: FW: Updated TAP Forms (Jubilee Phase 2)

James Milliken
Vice President, Development

Milliken Developments
100 – 2489 Bellevue Avenue
West Vancouver, BC V7V 1E1

C: (778)-994-4482

From: James Milliken <jmilliken@millikendevolutions.com>

Date: Tuesday, July 25, 2023 at 9:30 AM

To: Julie Edney <jedney@victoria.ca>, Chelsea Medd <cmedd@victoria.ca>, Andrea Hudson
<AHudson@victoria.ca>

Cc: Don Milliken <drmilliken@millikendevolutions.com>, Kate Milliken Binns
<kbinns@millikendevolutions.com>

Subject: Updated TAP Forms (Jubilee Phase 2)

Good Morning Chelsea, Julie and Andrea,

As requested on yesterday's call we have updated the TAP forms and are committed to the following:

1. We will communicate with tenants within 1 week of purchasing the homes.
2. We have removed the "vacant possession" language from the TAP forms and will be assuming all leases upon purchasing the homes
3. All tenants regardless of term will be offered 2 month's rent and \$500 towards moving expenses

I have also included another copy of our previous letter submitted with the TAP forms that should be included in our package. Please let me know if anything else is required.

Regards,

James Milliken
Vice President, Development

Milliken Developments
100 – 2489 Bellevue Avenue
West Vancouver, BC V7V 1E1

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