



Jonathan X. Côté
Mayor

June 24, 2016

Via Email

Dear Mayor and Council,

I am writing to request your support of a resolution submitted by New Westminster City Council to UBCM regarding tenant evictions through renovations.

There is evidence that the practice of 'renovictions,' in which some landlords evict their tenants under the guise of performing major renovations and then significantly increase the rent on those units, is becoming more commonplace in New Westminster and elsewhere in the province.

Research strongly suggests that many tenants do not understand their rights and are not aware of the *Residential Tenancy Act* or the dispute resolution process. They are also not aware of resources to assist them such as the Pivot Legal Society or the Tenants Rights Action Coalition. Additionally, some tenants are reluctant to exercise their rights given the cost or time involved or the fear of the potential repercussions. This is particularly true of certain groups such as isolated seniors, new immigrants and refugees, people with disabilities, and those with low levels of literacy.

For these reasons, at a meeting on June 13, 2016, New Westminster City Council approved the following resolution for submission to UBCM for consideration at the 2016 Convention:

Whereas the practice of 'renovictions,' by which some landlords evict their tenants under the guise of performing major renovations and then significantly increase the rent of those units, is on the rise in our province; and

Whereas this practice is very disruptive to those impacted, including the elderly, low-income families and new immigrants, and contributes to housing unaffordability and homelessness; and

Office of the Mayor

Corporation of the City of New Westminster

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Whereas municipalities are limited in their ability to address this issue and many tenants are unaware of their rights or are reluctant to exercise them;

THEREFORE, BE IT RESOLVED:

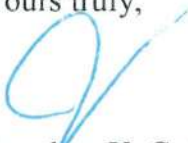
THAT the Union of BC Municipalities urge the Provincial Government to amend the Residential Tenancy Act to allow renters the right of first refusal to return to their units at a rent that is no more than what the landlord could have lawfully have charged, including allowable annual increases, if there had been no interruption in the tenancy.

A staff report giving more information on this matter is attached.

If you have any questions or would like more information, please contact me at jcote@newwestcity.ca or 604-527-4522.

Your support of this resolution is appreciated.

Yours truly,



Jonathan X. Cote
Mayor

Encl. Staff Report: Union of BC Municipalities Resolution Related to Tenant Evictions through Renovations

REPORT

Development Services

To: Mayor Côté and Members of Council **Date:** 6/13/2016

From: Beverly Grieve **File:** 13.2630.09
Director of Development Services **Item #:** 206/2016

Subject: Union of BC Municipalities Resolution Related to Tenant Evictions
through Renovations

RECOMMENDATION

***THAT** Council endorse the recommended Union of BC Municipalities (UBCM) resolution related to tenant evictions through renovations.*

***THAT** Council direct staff to forward the resolution and background documentation to UBCM and to actively seek municipal support for the resolution.*

PURPOSE

The purpose of this report is threefold: (1) to seek Council endorsement of the recommended Union of BC Municipalities (UBCM) resolution; (2) to direct staff to forward the resolution and background information to UBCM by the June 30, 2016 deadline; and (3) to direct staff to actively seek municipal support for the resolution.

SUMMARY

There is evidence that the practice of ‘renovictions,’ in which some landlords evict their tenants under the guise of performing major renovations and then significantly increase the rent on those units, is becoming more commonplace in New Westminster and elsewhere in the province. New Westminster City Council recently endorsed a number of actions to inform tenants of their rights and to facilitate enhanced access to information and resources. These actions, while important, will have limited impact, as it does not take the incentive out of the practice of ‘renovictions.’ For this to occur, amendments will have to be made to the

Residential Tenancy Act. To this end, Council approved a resolution for consideration by the Lower Mainland Local Government Association, which was endorsed. Council also directed staff to prepare a resolution for consideration by the Union of BC Municipalities, which is the focus of this report.

BACKGROUND

At the City's Seniors Advisory Committee (SAC) meeting of February 11, 2016, the membership raised the issue of 'renovictions' and requested that staff explore how widespread this practice is in New Westminster and how other municipalities are addressing this issue. Based on this discussion, staff conducted case study research in Metro Vancouver and did some preliminary consultation, including with the Tenants Rights Action Coalition. This information was shared back with the SAC membership at its meeting of April 14, 2016.

Based on the research and consultation, City staff forwarded a Report to Council on May 2, 2016. This report recommended a number of actions, the majority of which were intended to inform tenants of their rights and facilitate enhanced access to information and resources. One of the actions called for amendments to the *Residential Tenancy Act* to allow tenants the right of first refusal to return to their unit at a rent that is no more than the landlord could lawfully have charged, including allowable annual increases, if there had been no disruption to the tenancy.

Based on the report, Council prepared a resolution for consideration by the Lower Mainland Local Government Association (LMLGA) at its Annual General Meeting and Conference in May 2016. This resolution, which called for amendments to the *Residential Tenancy Act*, was endorsed by the LMLGA.

Based on the resolution to the LMLGA, Council directed staff to prepare a more refined resolution for consideration at the Union of BC Municipalities Conference in September 2016. This resolution is detailed later in this report.

DISCUSSION

Definition

According to the Pivot Legal Society, 'renoviction' is defined as *the practice of exploiting a clause in the Residential Tenancy Act which allows a landlord to evict their tenants under the guise of performing major renovations and then significantly increasing the rent on the unit or units.*

Legislation

The *Residential Tenancy Act* discusses evictions for the purpose of renovations in section 49, noting that: *A landlord may end a tenancy in respect of a rental unit if the landlord has all the necessary permits and approvals required by law, and intends in good faith, to do any of the following: renovate or repair the rental unit in a manner that requires the rental unit to be vacant.* The *Residential Tenancy Act* also sets out levels of compensation (equivalent compensation to one month's rent) and notice (two months' notice) for tenants who have to vacate their unit due to major renovation or repair.

Case Study Research

Case study research was conducted on 16 Metro Vancouver municipalities. A number of the municipalities responded that 'renovictions' are not a major issue or priority at this time, with several reporting that they are currently studying the issue. Only the City of Vancouver has developed a policy and it is not applicable in situations where only a building permit is required, which describes most renovation scenarios. The most common refrain from respondents was that municipalities cannot stall or stop building and other permits to prevent 'renovictions.'

Of note, the City of Vancouver, in a Report to Council on December 3, 2015, advocated for *the Province to amend the Residential Tenancy Act to allow renters the right of first refusal to return to their unit at a rent that is no more than what the landlord could have lawfully charged (e.g., including allowable annual increases) if there has been no interruption in the tenancy.*

The above cited action related to advocacy forms part of the City of Vancouver's *Tenant Relocation and Protection Policy*. In discussions with this municipality, it was learned that this action has not been raised with the Provincial Government or other municipalities and that a related resolution has not been developed for consideration by the Lower Mainland Local Government Association or the Union of BC Municipalities.

Impacts

The case study research and consultation strongly suggests that many tenants do not understand their rights and are not aware of the *Residential Tenancy Act* or the dispute resolution process. They are also not aware of resources to assist them such as the Pivot Legal Society or the Tenants Rights Action Coalition. Additionally, some tenants are reluctant to exercise their rights given the cost or time involved or the fear of the potential repercussions. This is particularly true of certain groups such as isolated seniors, new immigrants and refugees, people with disabilities, and those with low levels of literacy.

RECOMMENDED RESOLUTION

That the below recommended resolution be forwarded to the Union of BC Municipalities for consideration at its Annual Conference in September 2016.

Whereas the practice of 'renovictions,' by which some landlords evict their tenants under the guise of performing major renovations and then significantly increase the rent of those units, is on the rise in our province.

Whereas this practice is very disruptive to those impacted, including the elderly, low-income families and new immigrants, and contributes to housing unaffordability and homelessness.

Whereas municipalities are limited in their ability to address this issue and many tenants are unaware of their rights or are reluctant to exercise them.

THEREFORE, BE IT RESOLVED:

THAT the Union of BC Municipalities urge the Provincial Government to amend the Residential Tenancy Act to allow renters the right of first refusal to return to their units at a rent that is no more than what the landlord could have lawfully have charged, including allowable annual increases, if there has been no interruption in the tenancy.

OPTIONS

There are three options for consideration:

1. That Council endorse the recommended Union of BC Municipalities (UBCM) resolution related to tenant evictions through renovations.
2. That Council direct staff to forward the resolution and background documentation to UBCM and to actively seek municipal support for the resolution.
3. That Council provide staff with other direction.

Staff recommends options 1 and 2.

This report has been prepared by
John Stark, Senior Social Planner
Tristan Johnson, Planning Analyst

This report was reviewed by:
Jackie Teed, Manager of Planning

Approved for Presentation to Council



Beverly Grieve
Director of Development Services



Lisa Spitale
Chief Administrative Officer