

COUNCIL POLICY

NAME:	TENANT ASSISTANCE POLICY		
ISSUED:	May 1, 2023	INDEX REFERENCE:	
AMENDED:		COUNCIL REFERENCE:	23/CW

1) PURPOSE

The purpose of the Tenant Assistance Policy is to mitigate negative impacts on residential tenants being displaced as a consequence of substantial renovations or redevelopment of their current homes.

The British Columbia Residential Tenancy Act (RTA) regulates the rights and responsibilities of landlords and tenants by law. Saanich's Tenant Assistance Policy serves to augment the RTA by requiring property owners to offer additional support to eligible tenants being displaced.

2) POLICY COVERAGE

2.1. Applicability

This policy applies to all rezoning applications that would result in a minimum of five residential rental units being permanently vacated due to demolition or substantial renovations. This includes rental units both in the primary and the secondary rental market.

Additionally, the policy serves as best practice guidelines for any other applications which may result in the loss of residential rental units, such as applications for Development Permits and Demolition Permits that are not part of a rezoning application.

2.2. Eligible tenants

All tenancies active when the rezoning application is submitted are eligible under this policy. Support will be provided per rental unit and distributed to those named in the tenancy agreement.

Tenants who move into a rental unit on the property after the submission date of the rezoning application are not eligible. It is vital that incoming tenants are made aware that the property is in the process of rezoning.

3) TENANT ASSISTANCE IN MARKET HOUSING DEVELOPMENTS

3.1. Tenant Assistance Plan

Market housing projects meeting eligibility described in Section 2.1 must submit a Tenant Assistance Plan as part of their rezoning application. The Tenant Assistance Plan must include the following elements:

3.1.1. Tenant Relocation Coordinator

A Tenant Relocation Coordinator shall be hired or appointed by the applicant in the pre-application stage. The Tenant Relocation Coordinator will act as the contact person for eligible tenants throughout the application process and coordinate the implementation of the Tenant Assistance Plan post approval. They will be available to tenants at regular

business hours, and their contact information will be provided directly to tenants and posted in conspicuous places within the building(s).

3.1.2. Communication with Tenants

All tenants shall be kept informed of the development process and their rights as per this policy. The Tenant Assistance Plan must include a section on communications, and must confirm the applicant's commitment to providing the following communication to all eligible tenants as a minimum:

- A letter outlining the development plans and expected timelines, the extent of the Tenant Assistance Policy, and the role of the Tenant Relocation Coordinator
- Ongoing updates to tenants in writing throughout the redevelopment process to notify of key milestones
- A copy of the "Resources for Tenants" info sheet, as provided by the District of Saanich
- A copy of the Tenant Assistance Plan, post application approval
- Opportunities for each household to meet with the Tenant Relocation Coordinator to discuss relocation needs (see 3.1.3 Relocation Assistance and 3.1.7 Additional Assistance)

Reasonable efforts should be taken to ensure that any tenants requesting support in a language other than English are provided with information in their preferred language.

3.1.3. Relocation Assistance

The Tenant Relocation Coordinator shall assist eligible tenants with the search and securing of alternative rental housing, unless otherwise indicated by the tenant. It is expected that the Tenant Relocation Coordinator make all reasonable efforts to:

- Through dialogue with the tenant household, identify what type of rental unit would be suitable with regards to number of bedrooms, rent level, location, accessibility, and other needs.
- Utilize their expertise and network to find a suitable vacant rental unit that meets those needs.
- Assist the tenant in the process of securing a suitable unit (for example by writing or reviewing applications, arranging showings, providing references, etc.).

Applicants are not expected to provide relocation assistance in cases where tenants prefer to relocate outside of the Capital Regional District, nor to tenants who are looking to purchase a home.

Where possible, applicants are encouraged to implement a phased renovation or redevelopment process whereby residents can be relocated in stages to other units on the site without ending tenancies.

3.1.4. Right of First Refusal

Where applicable, eligible tenants shall be offered the Right of First Refusal for a comparable rental unit in the new or renovated building(s), i.e., a unit with the same number of bedrooms and the same degree of accessibility. Said unit shall be offered to the eligible tenant at a rent level 20% below starting market rent levels, with the following considerations:

- The landlord may use income testing to verify that the 20% discount on market rates is necessary for the rent to be affordable for the returning tenant.
- If market rate for the comparable unit is less than 30% of the household's before-tax income, Right of First Refusal can be offered at market rate.
- 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 rent.

3.1.5. Moving Expenses and Assistance

All eligible tenants will receive moving assistance at the cost of the applicant. One of two options shall be provided at the discretion of the applicant:

- 1) An insured moving company may be hired by the applicant, with all arrangements and costs covered by the applicant for moves within the Capital Regional District; or
- 2) Flat rate compensation may be provided to the tenant in an amount equal to one month's rent, at the Saanich Primary Rental Market average rent level for units of the same size (number of bedrooms) (see Table 2). This is in addition to any compensation payable under 3.1.6.

When a tenant is exercising the Right of First Refusal (Section 3.1.4), moving assistance as per the above must also be provided for the move to the new or renovated unit.

3.1.6. Rent Compensation

Eligible tenants shall receive rent compensation in the form of a lump sum payment, free rent, or a combination of both, at the discretion of the applicant. When the compensation is in the form of a payment, the payment shall be provided to the tenant no later than at the time of the Notice to End Tenancy.

The applicant is strongly encouraged to consult tenants about their preferred form of compensation in cases where a lump sum payment may affect their eligibility for programs 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 will be based on the tenant's rent level and the length of tenancy at the time when the rezoning application is submitted, as per Table 1 below.

Length of tenancy	Compensation equivalent to (using rent level)
Up to 5 years	3 months' rent
5-9 years	4 months' rent
10-19 years	5 months' rent
20+ years	6 months' rent

Table 1: Compensation Based on Length of Tenancy

The rent level refers to the higher of:

- 1) The tenant's current rent at time of rezoning application; or
- 2) The Primary Rental Market average rent for units of the same size (number of bedrooms) within the District of Saanich, as per the most recently published statistics on the CMHC Housing Market Information Portal.

Unit size	CMHC Average rent
Bachelor	1,114
1 bedroom	1,299
2 bedroom	1,665
3 bedroom +	1,994

Source: CMHC Rental Market Survey

Table 2: Primary Rental Market Average Rents, Saanich, October 2022¹

3.1.7. Additional Assistance

There may be eligible tenants who require additional assistance with finding a new rental unit and/or moving beyond what is specified in sections 3.1.3 and 3.1.5. Examples include (but are not limited to) elderly tenants, tenants on low or fixed incomes, and people with physical or mental disabilities.

The applicant is expected to identify tenants in need of additional assistance and make reasonable efforts to meet those needs. The Tenant Assistance Plan must note the number of tenants who may require additional assistance, and a summary of the types of supports that will be provided. In the case where additional needs emerge later in the process, reasonable assistance shall not be denied.

Examples of additional assistance that may be required include:

- Connecting with health organizations or non-profit services
- Help obtaining social housing or rent supplements

¹ Table 2 is for reference only. Applicants should consult the CMHC Housing Market Information Portal (Full View) for the most recently published average rents for Saanich DM.

- Additional help with packing or moving
- Arranging travel to and assistance at apartment showings
- Additional or alternative means of communication regarding the relocation process
- Language support

3.2. Tenant Relocation Status Report

A Tenant Relocation Status Report shall be completed and submitted to the Planning Department before the issuance of any building permits pertaining to the site.

The Report must include the following information:

- A list of eligible tenants by unit number in original building(s)
- A summary of the financial compensation given to each tenant household
- A summary of the relocation status of each tenant household
- An indication of how many tenants are intending to exercise the Right of First Refusal, if applicable.

4) EXEMPTION FOR NON-MARKET HOUSING APPLICANTS

Non-market housing providers are exempt from the Tenant Assistance Policy. The District recognizes that non-market housing providers typically have established tenant relocation and assistance policies and/or practices in place.

Non-market housing applicants meeting the criteria outlined in Section 2.1 are requested to submit an overview of the relocation assistance provided to eligible tenants as part of their rezoning application. Section 3 should be considered as best practice guidance for the submission.

5) VACANT UNITS

The District may request additional information from the applicant in some cases where a rezoning application involves vacant rental units. The Tenant Assistance Policy may be applied retroactively, if tenants are found to have been evicted prematurely (for example, a notice to end tenancy for demolition was served without proper permits and approvals in place).

6) FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

This policy recognizes that for the Tenant Assistance Plan to operate effectively, the applicant will need to collect and use tenants' personal information. Some personal information may also be disclosed to select District Staff. Therefore, the development and implementation of the Tenant Assistance Plan, as well as the Tenant Relocation Status Report, must comply with the following privacy requirements contained in the Freedom of Information and Protection of Privacy Act:

- Personal information can only be collected, used, and disclosed for the purposes described in this policy.
- Personal information must always be protected from unauthorized collection, use, access, and disclosure.

- Tenants must be made aware that:
 - providing their personal information is voluntary, and that non-disclosure does not prevent them from participating in the Tenant Assistance Plan.
 - tenants have the right to know how their personal information is being used.
 - tenants have the right to access their personal information and to request corrections of it where applicable.
- Tenants will not be asked to provide any personal information that is not necessary to assist them under the Tenant Assistance Plan.
- Tenants' personal information will not be retained longer than is necessary to assist them under the Tenant Assistance Plan.
- Tenant Assistance Plans should not be forwarded to anyone, City staff or otherwise, not directly involved in the completion, participation in, or evaluation of the plan.