

# ENFORCING TENANT RELOCATION RIGHTS

*A CATALOGUE OF TOOLS  
FOR BC MUNICIPALITIES*

Prepared for the  
Tenant Resource &  
Advisory Centre

By Natalia Hayes  
Jacob Isaac  
& Taryn Plater





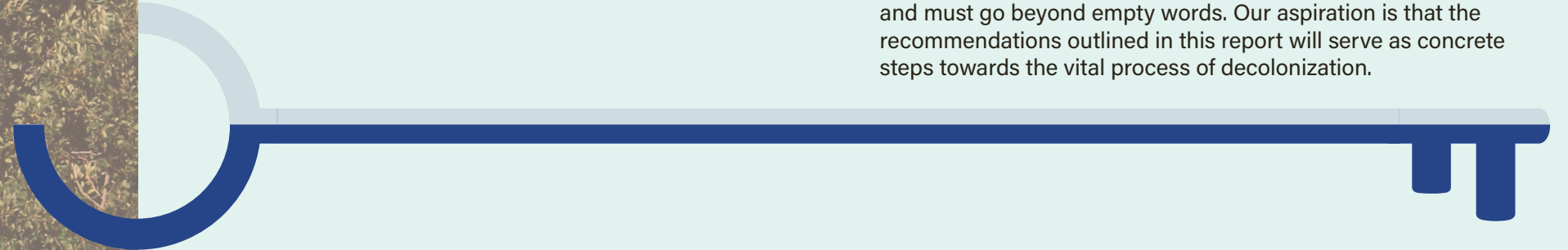


## ***Land Acknowledgement***

We acknowledge that the systemic barriers to safe and supportive housing are not randomly distributed; rather, they are deeply rooted in racist, colonial, and patriarchal structures, perpetuating housing insecurity for marginalized groups. In the Canadian context, Indigenous Peoples, particularly Indigenous women, have borne the brunt of exclusion and exploitation within the housing market.

It is crucial that we recognize this colonial reality, given that the land upon which our team works and resides has been traditionally stewarded by the original inhabitants, notably the səliłwətał (Tsleil-Waututh), Sk̓wxwú7mesh Úxwumixw (Squamish), and xʷməθkʷəy̓əm (Musqueam) Nations since time immemorial. We express our gratitude for their stewardship and acknowledge the privilege it is to be guests on their territories.

Decolonizing the housing landscape in British Columbia requires a collective effort from planners, developers, and municipalities, and must go beyond empty words. Our aspiration is that the recommendations outlined in this report will serve as concrete steps towards the vital process of decolonization.





# EXECUTIVE SUMMARY

This report equips municipalities and tenant advocates with tangible ways of strengthening Tenant Relocation and Protection Policy (TRPP) enforcement in BC.

Redevelopment projects are necessary to address BC’s complex housing crisis. As we incorporate more thoughtful density and increase purpose-built rental stock, redevelopment will continue to be prevalent throughout the Lower Mainland and BC. While these projects have the potential to improve housing affordability and availability for low- to middle-income tenants, it is essential that municipalities also protect vulnerable tenants, who are the most negatively impacted by the displacement caused by residential redevelopments.

Most municipalities in BC encode protections for tenants during redevelopment in their TRPPs. However, prior research and community engagement has revealed deficiencies in the enforcement of TRPPs in BC, resulting in a lack of justice for tenants. This project seeks to address these deficiencies by recommending avenues for enhanced enforcement of TRPPs in the BC municipal context.

Based on interviews with municipal staff, an exploration of current applications of enforcement within BC and beyond, and consultations with legal experts, this report introduces six TRPP enforcement tools for BC municipalities to explore. The tools are presented as a catalogue, with one chapter per tool presenting a definition, case studies and key findings, equity considerations, and general pathways for tool implementation.

*Enforcement tools included:*

- *Permit Holds*
- *Mandatory Meetings*
- *Tenant Relocation Coordinators*
- *Financial Assurance*
- *Rental Licensing*
- *Overlay Zones*

# CONTENTS

Context	7
Introduction	8
Selected Tools	10
Equity Lens	12
How to use this catalogue	14
Catalogue	17
Timeline Summary of tools	18
Permit Holds	21
Mandatory Meetings	31
Tenant Relocation Coordinators	43
Financial Assurance	51
Rental Licensing	67
Overlay Zones	77
Looking Forward	89
Bold Moves	90
A Tenant-First Future	92
Sources	94
Appendix	99



# PART 1: CONTEXT





# INTRODUCTION

Amidst the urgency and intensification of the housing crisis in Canada, the redevelopment of aging rental housing presents a feasible strategy for municipalities to increase their supply of affordable rental units and accommodate growth within their urban containment boundaries. **Particularly in the rapidly growing urban centers of British Columbia, municipalities wield significant power to adopt measures that protect and champion the rights of rental tenants during essential redevelopment.**

Most municipalities in BC encode protection measures for tenants in their **Tenant Relocation and Protection Policies** (TRPPs) which differ significantly across the region.

However, the robustness of tenant protections during redevelopment hinges upon an array of factors that shape the formulation and appetite for enforcement of TRPPs in each jurisdiction. Municipal governance structures, political priorities, and development pressures collectively influence the strength and effectiveness of TRPPs. While TRPPs in BC are some of the most progressive in Canada, prior research has raised important concerns over deficiencies in their enforcement.

## Enforcing TRPPs

Enforcement tools are methods through which a government ensures compliance with laws, regulations and policies. In the context of tenant protections, such tools may include monitoring or tracking methods for tenant protection outcomes, a legal framework outlining sanctions for non-compliance of TRPPs, direct regulation of landlords through licensing, or requirements for financial assurances which stipulate landlord obligations to tenants.

Recent collaboration with the Tenant Resource and Advisory Center (TRAC) and UBC's School of Community and Regional Planning revealed **discernible gaps in TRPP outcomes such as displacement, inadequate compensation, unaffordable rent increases, increased vulnerability of low-income and marginalized tenants, and barriers for tenants seeking legal recourse.**<sup>1</sup> This work also involved a comparative study and evaluation of all known TRPPs within BC which found that Burnaby and the Vancouver Broadway Plan TRPPs set the benchmark for tenant protections in the region.

Building upon this foundational work, and also in partnership with TRAC, our project team has identified **six vital enforcement tools** designed to bridge the aforementioned gaps in TRPP outcomes for tenants, with the overarching goal of enhancing municipal enforcement strategies in BC. Presented in the form of a catalogue, this project provides visual summaries of each tool preceding each chapter, a detailed description of each tool, examples of current applications, equity considerations and pathways toward implementation.

We intend for this catalogue to be easily accessible for City staff in BC municipalities to familiarize themselves with avenues for enforcement that may not have been considered before. Furthermore, our aim for this project is to contribute to the strong foundation of advocacy material which highlights and uplifts the voices of tenants in BC as an underrepresented, equity-deserving group in federal, provincial, and municipal housing policy.

## Methods

Selection of the recommended enforcement tools outlined in this catalogue was informed by a literature review of best practices and current applications of tenant protection enforcement in Canada and the US, as well as a series of semi-structured interviews with city staff from municipalities in BC, legal experts, non-profit developers and tenant relocation coordinators.

*“Tenants who were interviewed noted that their relocation experience could have been improved by greater clarity on relocation and development timelines, and the compensation and assistance they were eligible to receive. Communication for tenants should be simple and clear – clearly stating their rights, the development process, and what supports are available to them.”*  
(SCARP Studio Project, 2023)

# SELECTED TOOLS

The enforcement of tenant protection policies is a complex and ever changing endeavour. For this reason, our team sought enforcement tools which address a broad range of challenges and which are able to be adapted to specific municipal contexts. While the six tools explored throughout this catalogue are not exhaustive, they do speak to the major enforcement strategies.



## *Permit Holds*

One of the main considerations when deciding which tools should be included in this catalogue was implementability. While there are several tools in this catalogue which require additional support before they can become tenable in most municipalities, permit holding, or the pausing of a development process until tenants' needs are met, is a readily implementable tool. It also represents a set of tools which incentivise developers to ensure that the tenant remains a priority of the redevelopment process.



## *Mandatory Meetings*

As mentioned at the start of this section, relocation processes are necessarily complex. Not only are there numerous actors involved throughout, but the specific requirements for developers and tenants in each municipality are often framed in language that is inaccessible to the average person. This means that even if there were a perfect package of TRPP enforcement mechanisms in place, tenants or developers may not adhere to, or utilize, the full scope of the policies. This is why we chose to include mandatory meetings in our catalogue, as they fulfill a specific communicative role in the enforcement process.



## *Tenant Relocation Coordinators*

While many of the rights which are held by tenants are recognized in TRPPs, the realization of these rights requires a significant amount of time and effort on the part of the tenant. Tenant Relocation Coordinators (TRCs) serve as a support system for tenants who are subjected to forced relocation. This type of enforcement tool is necessary to include in our catalogue because, even with strong financial and legal systems in place to protect the rights of tenants, the time demands placed upon the tenant needs additional attention.



## *Financial Assurance*

At the heart of tenant protection efforts is the belief that housing is a fundamental human right. This accompanies the recognition that economic constraints, including housing unaffordability, limit the ability of that right to be exercised. For this reason, our team identified the need to include two forms and examples of financial assurance: escrow and bonding through a letter of credit, which look to address these financial barriers by adding additional security and accountability to compensation requirements.



## *Rental Licensing*

Similar to permit holds, rental licensing schemes function by incentivising landlord compliance with TRPPs. Yet, the enforcement opportunities offered by rental licensing are distinct. By establishing a registry to track rental units, the tool provides an effective and novel means for enforcement. It can be applied to the rental units the landlord is looking to fill, or to the landlords themselves, with the potential of having their license revoked in the event of non-compliance. More than any other tool in this catalogue, rental licensing places onus on the landlord to fulfill their duties to respect the rights of tenants.



## *Overlay Zones*

Overlay zones typify a kind of enforcement approach which looks to make more wide-sweeping changes to the rental housing landscape. Similar to permit holds, they can function at the individual development level, but unlike permit holds, the supports they look to provide are intended to proliferate with time. In the context of this report, the recommended overlay zones will promote the creation of transitional housing for displaced tenants.



# EQUITY LENS

The selection of enforcement tools in this catalogue was informed by a holistic approach to advancing equity for tenants in BC. Our approach sees the necessity for enhanced enforcement of tenant protections in British Columbia as predicated on several important historical and contextual factors.

While new and revised policies, such as those in the Residential Tenancy Act (RTA) and in TRPPs, have been mandated to address these factors, **limited action has been taken by governments in BC to enforce accountability** and compliance among developers and landlords.

The power imbalance between landlords and tenants is intimately connected to the financialization of housing in Canada which views housing as an wealth-generating asset, rather than as necessary infrastructure and a fundamental human right. Within the current model of housing provision that rewards for-profit development and homeownership, landlords are increasingly capitalizing on the opportunity to renovate or redevelop their properties. Absent of robust rent controls, vacancy controls, and safeguards for affordability, **tenants across BC are left grasping at straws in pursuit of housing security**. To achieve equity as an outcome in tenant protections, the disparities between renters and landlords must be addressed in the language and enforcement of TRPPs in BC. To achieve equitable outcomes and justice for tenants, **governments must recognize their active role in dismantling power imbalances** and commit to alleviating barriers to tenant's wellbeing.

## Equity Strategy for Tenant Protections in BC

All six of the enforcement tools included in this catalogue are informed by a set of enforcement imperatives and recommendations which highlight various forms of inequality throughout BC municipalities, and which, taken together, form a holistic equity strategy.

*Key drivers of inequity in BC's housing market include Canada's deeply rooted history of colonialism, the disinvestment of social and non-market housing by the Federal government in the 1990s, the current lack of rental housing supply paired with skyrocketing unaffordability, a disproportionately high and rising rate of no-fault evictions,<sup>2</sup> and an increased dependence on social and financial assistance resulting from the COVID-19 pandemic.*

Our recommendations are as follows:

1. **Establish meaningful economic investment from municipalities** toward the administration of legal protections, fair compensation, and a long-term commitment to monitor and enforce bylaws designed to hold landlords accountable.
2. **Adopt an intersectional equity lens to TRPP enforcement** that acknowledges how individuals experience varied forms of discrimination and disadvantages based on factors of race, ethnicity, gender, age, ability, and socioeconomic status. This lens should be used by municipalities to inform TRPP reforms and to better account for the complex and varied needs of tenants.
3. Municipalities must **take an active role to identify and mitigate the systemic barriers** facing equity-deserving tenants, with the recognition that relocation affects all tenants differently, with some tenants disproportionately affected.
4. **Monitor and evaluate effectiveness of TRPPs** through the measurement of key equity indicators connected to the well being of tenants.
5. Municipalities must **honour the lived experience of tenants** by incorporating positions for reform that are endorsed by Tenant Unions, and by recognizing the right of tenants to collectively bargain. The enhancement of TRPP enforcement cannot happen without expanding partnerships and participation with communities of tenant-representatives.
6. To advance reconciliation with Indigenous Peoples in BC, municipalities must **recognize the harmful relationship between eviction and colonization and commit to reforms** that eliminate the risk of homelessness and displacement that disproportionately affect this group.<sup>3</sup>

Amidst recent provincial legislation calling for increased density across the region, municipalities are amending their official community plans to promote rezoning and redevelopment for higher densities.

The imperatives outlined in the above equity strategy represent minimum standards that municipalities must meet to serve the public interest. Without these actions, governments will remain deficient in upholding their duty to achieve equity in their cities and fall short of protecting the rights of their residents.

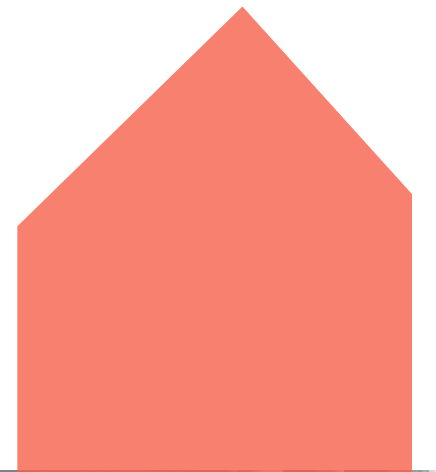
*The response to housing pressures must prioritize the most vulnerable tenants and must include better supports for tenants in dispute resolution, addressing the bias which favours landlords and property owners in future policy reforms, and the recognition that relocated tenants have a range of individual needs and vulnerabilities that cannot be addressed with a one-size-fits-all approach.*

# HOW TO USE THIS CATALOGUE

The catalogue is divided into six chapters, each exploring a respective enforcement tool. Preceding each chapter will be a **visual abstract** which provides a general overview of the relevant functions of each tool, implementation considerations, and equity concerns. While these abstracts do not provide all relevant information, they do give a general sense of the tools in use.

Each chapter will begin with a high-level definition of the tool and how it generally functions. This definition is shaped, in part, by a series of current applications which exemplify the practical applications of these tools. The chapter will then provide contrasting analyses between these case studies, and offer key insights for tool implementation.


Following this analysis, each chapter will consider equity concerns and opportunities related to each tool. Bolstering the key findings, and taking into account relevant equity considerations, each chapter will then provide a summary of tool implementation. We recognize that each tool's applicability differs by municipality, so we recommend that readers use discretion when considering local contexts.





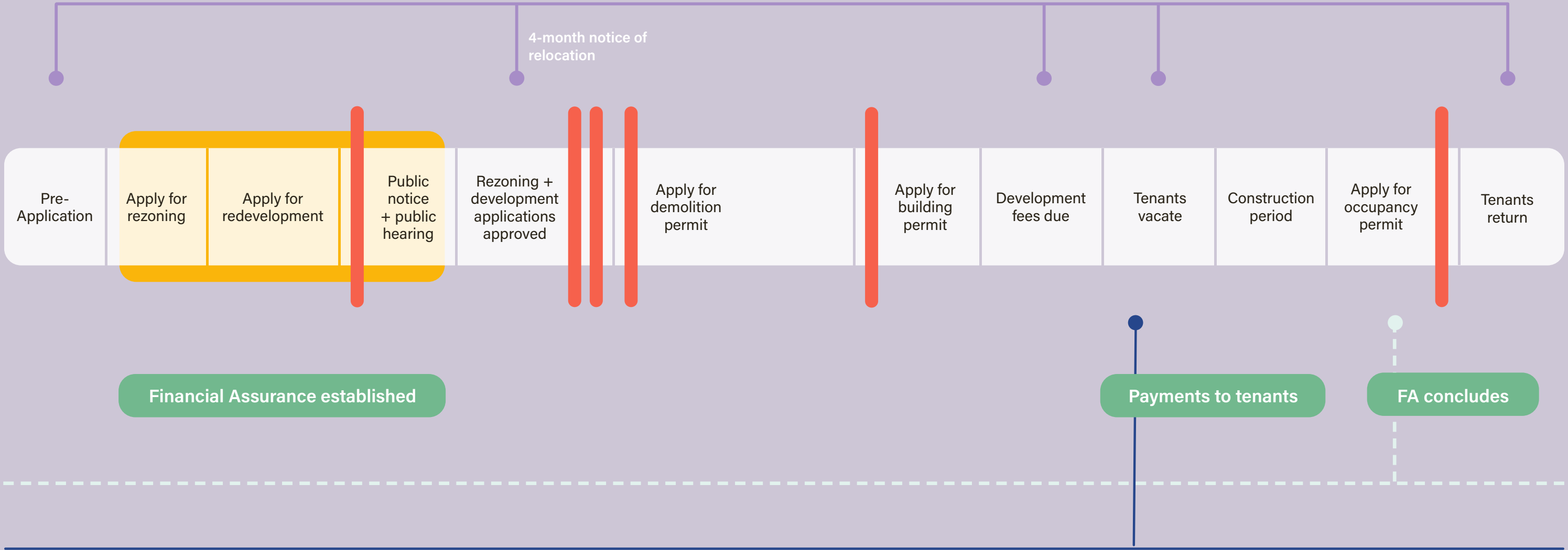


# PART 2: CATALOGUE

A decorative graphic element consisting of a horizontal blue line that starts from the left edge of the page, passes through a semi-circular blue shape, and ends with a small vertical blue bar on the right.

# REDEVELOPMENT TIMELINE WITH ENFORCEMENT TOOLS

- Permit Hold Opportunities
- Mandatory Meetings
- Tenant Relocation Coordinator
- Financial Assurance
- Rental Licensing
- Overlay Zones







# PERMIT HOLDS

**Current Applications**  
New Westminster's development process  
Coquitlam's TRPP addendum

A municipality lays out staged requirements for developers to provide proof of TRPP compliance that align with key lever points in the development process. At each lever point, the corresponding permit is not issued until a developer provides sufficient proof of compliance.

## Key Findings from Current Applications

- Municipal approval processes create opportunities to ensure TRPP compliance
- Developers recognize the importance of preserving relationships with municipalities
- Permit holds are flexible in their application

## Enabling Conditions

- Development process with staged permit requirements
- Healthy working relationships between municipality and developers
- Desirable development context is helpful
- High carrying costs for delayed development projects

## Complementary Enforcement Tools



TRCs



Financial assurance

## Equity Considerations



Places burden of proof on developer, requiring less work from tenants and their advocates



Can apply to all sizes and tenures of redevelopment projects



Only as strong as the actual TRPP requirements

## Implementation Requirements

Staff capacity



Time before impact



Cost



# PERMIT HOLDS



At various points in the development process, a municipality may exercise discretion in issuing or withholding permits. This enforcement tool puts these points to use by requiring staff to withhold certain permits if TRPP conditions have not been fulfilled. Because this enforcement tool rolls into a city's existing development process thereby requiring little to no additional resources, it is the most popular way for Lower Mainland municipalities to enforce TRPPs.

When tenants are displaced, a City can register a restrictive TRP Covenant on land title. In the case of Vancouver, the Covenant includes requirements that the developer provide the following:

- Tenant Relocation Plan and Owner's Declaration, **prior to the issuance of a Development Permit**
- Interim Tenant Relocation Report, **prior to the issuance of a Demolition Permit**
- Final Tenant Relocation Report, **prior to the issuance of an Occupancy Permit**

At each of these points, the municipality should delay issuing the permit until the corresponding requirement is fulfilled. Once all TRPP requirements are satisfied and permits have been issued, the Covenant is discharged.

While it is understood by developers that TRPP compliance is required for a development to progress smoothly, a municipality cannot legally "fetter its discretion" to issue or withhold permits. It is also important to note that certain permits (ie. building permits, demolition permits) are regulatory, not discretionary. For these reasons, it is important that staff elect to delay permit processing for incomplete applications, rather than flatly denying these permit applications.

Because of these legal nuances, **the success of this tool relies heavily on a developer's desire to see efficient development** timelines and maintain positive relationships with the municipality. In the unlikely instance that a developer fails to comply with its TRPP obligations and a legal dispute ensues, displaced tenants may fall through the cracks while the dispute is being resolved. This is where additional enforcement tools such as Financial Assurance are required.

## Enforcing Tenant Protections

SCARP — TRAC — Fair Housing Force

# COQUITLAM'S TRPP ADDENDUM

Coquitlam is one of the fastest-growing municipalities in Metro Vancouver, with the City Centre alone projected to welcome approximately 24,000 new residents by 2046.<sup>4</sup> In anticipation of the redevelopment that this growth will bring, the City of Coquitlam introduced its TRPP in 2021. While Coquitlam's TRPP offers less robust protections than those of other Metro Vancouver municipalities, it is notable for its incorporation of tenant tracking requirements as prerequisites for various stages of permitting and approvals.

## *Policy Context*

The draft TRPP was presented to the City Council in July 2021. At this time, the growing pressure of the housing crisis met with a Council committed to tackling housing affordability to create a favourable political climate for swift policy action. There were 752 existing rental units awaiting redevelopment – 193 at the pre-application stage, 343 at the rezoning/development permit stage, and 216 at the building permit stage.<sup>5</sup>

The proposed policy built upon the foundation laid by Coquitlam's 2015 Housing Affordability Strategy, particularly Policy Direction 1.4 which emphasizes the importance of requiring tenant relocation and assistance strategies for the redevelopment of rental properties units.<sup>6</sup> Specifically,



it recommended that the City require developers to provide a Rental Housing Strategy prior to redevelopment projects which should include, among other tasks, creating a plan for “managing communications and relations between a developer and existing renters, including the retention of a housing consultant to lead this process.”<sup>6</sup>

With its addendum, the TRPP was officially adopted in November 2021.

## *Legal format*

An addendum to Coquitlam's TRPP details the City's prerequisites for landlords to prove TRPP compliance and include tenant tracking at each step of the development permitting process. While the addendum itself is not legally binding, its incorporation into the regulatory process nevertheless makes proof of TRPP execution a de facto prerequisite for residential redevelopment.





# DEVELOPMENT PROCESS IN NEW WESTMINSTER

Surrounded by river and neighbouring municipalities, New Westminster cannot grow outwards, so its most promising approach to create additional housing is through redevelopment projects. As of 2021, 30.3% of the city's renters were in core housing need, with 36.2% spending over 30% of their income on housing. With 6.8% of dwellings reportedly in need of major repairs, redevelopment presents an opportunity to improve living conditions, but also presents significant risks to renters as they face displacement and rising market rents.<sup>7</sup>

New Westminster saw a 10.2% increase in private dwellings between 2016 and 2021, matched by a jump in monthly rental shelter costs from \$956 to \$1350 in the same period. The Metro 2050: Regional Growth Strategy identifies the municipality's city centre as a key site for increased density, with plans to prioritize transit-oriented growth.

## *Staged requirements*

New Westminster's TRPP is among the most progressive in the region, and it includes mechanisms for its own de facto enforcement at key points in the development approvals process. For both Rezoning application and Heritage Revitalization Agreements, applicants must prove completion of the following key components:

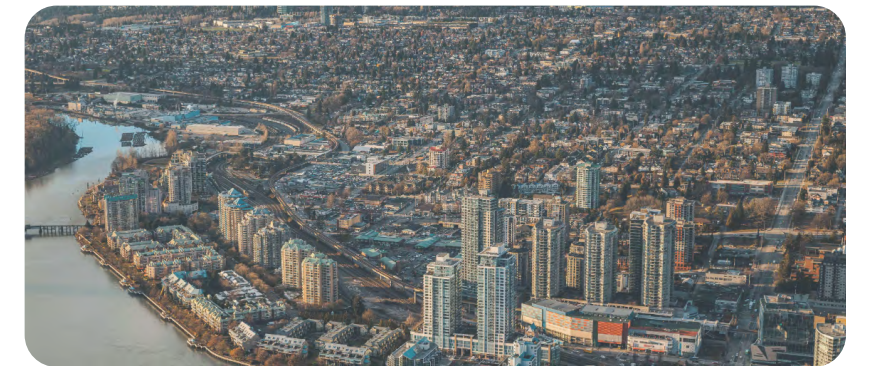
- a. Tenant Assistance Plan (TAP) **required in preliminary report portion of the application**
- b. Proof TAP has been communicated to tenants **prior to first reading**
- c. Proof that TAP commitments have been completed **prior to issuing Demolition Permit**
  - Notice at least four months prior to eviction
  - Compensation of at least three months' rent
  - Evidence of assistance in locating housing

The TAP required by New Westminster must also include documentation of all applicable units, including current rental rates and vacancies. This grants the City access to a tenant tracking baseline.

## *Compatibility with Process*

New Westminster's primary enforcement mechanism's compatibility with existing processes and city staffing is appealing. Municipalities have the power to formally leverage key points in the development process (eg. withholding approvals and permits) or to informally advise applicants of the best positioning for their application (eg. discouraging moving to public hearing with poor optics around tenant rights).

The risk with this tool is that, if something is missed and a permit issued without proper compliance, the only recourse for the city becomes legal action. For this reason, **strong communication with developers is essential**. According to City of Vancouver staff, developers often fall short on TRPP commitments due to lack of understanding. To combat this issue, New Westminster TAPs must include a communication guide and written commitments, ensuring the developer understands its responsibilities prior to the initial processing of the application.



## *Applicability*

The staged requirements detailed above apply to Rezoning applications and Heritage Revitalization Agreements involving the demolition of six or more purpose-built market rental housing units within one building. The policy applies on a "voluntary basis" for demolition projects of the same scale requiring only Development Permits or Demolition Permits.

The gaps in this TRPP's application are largely concerned with balancing development costs with tenant rights. New Westminster notes that its TRPP requirements would be prohibitively costly for smaller developers seeking to redevelop smaller buildings, also noting that these buildings make up less than 1% of the city's purpose-built rental units. As is the case with many of BC's TRPPs, this enforcement neglects renters in the secondary market.

# APPLICATION ANALYSIS

## *Ease of implementation*

Both cases fit neatly into their respective city's existing development process and therefore place a low administrative burden on municipal staff. Of course, this compatibility can only exist in municipalities with staged mandatory permit requirements, so may be less applicable to certain small communities.

Communication to developers is optional but does require additional labour from municipal staff. New Westminster presents the staged requirements more clearly than Coquitlam, laying them out in a well-designed information package while Coquitlam's requirements are laid out in the Addendum to their TRP Bylaw.

## *Impact on developers*

In both cases, **compliance with the enforcement tool requires little additional cost from developers**, and may therefore have garnered less pushback than a more burdensome tool would have. Especially given high carrying costs in both municipalities, developers are enticed to comply swiftly to avoid permit-related delays to their projects.

## *Applicability*

**This is a flexible tool**, as municipalities can choose what forms of proof of compliance to require and when a developer must provide it. The two cities in the cases presented here, for example, have slightly different applications. New Westminster's requirements apply to rezoning applications and Heritage Revitalization Agreements, while Coquitlam's apply to rezonings, Development Permits, and Occupancy Permits.

They also differ, according to the stipulations of each city's TRPP, in what types of developments are included and what TRPP commitments exist – for example, Coquitlam requires the engagement of a TRC, while New Westminster does not.

# EQUITY CONSIDERATIONS

## *Burden of proof*

At each hold point, it is the developer who must prove their compliance with the staged requirements. No labour or direct involvement is required from displaced tenants.



## *Wide applicability*

While not typically applied to projects smaller than six units, it is possible to invoke permit holds as an enforcement tool to all sizes and tenures of redevelopments projects. To capture the highest amount of equity-deserving tenants, a city's TRPP should apply to rental units of all types, including secondary market rentals, SROs, social housing, and rental buildings with fewer than six units.



## *Strengthening TRPPs*

Permit holds have the potential to improve equity outcomes among a range of vulnerable tenants, but their efficacy in this area is directly related to the requirements and timing specified by each municipality. Because permit holds are so closely linked to the municipality's TRPP bylaws, the level of tenant protection they enable relies on the strength of the TRPP requirements.





# KEY FINDINGS: PERMIT HOLDS

- *Municipal approval processes create opportunities for ensuring TRPP compliance.*
- *Most local developers recognize the importance of preserving relationships with municipalities.*
- *This tool can be flexible on what commitments developers are required to fulfill and when.*

# IMPLEMENTATION

## *Register TRP Covenant*

For any applicable project, a TRP Covenant is registered to the land. The Covenant includes:

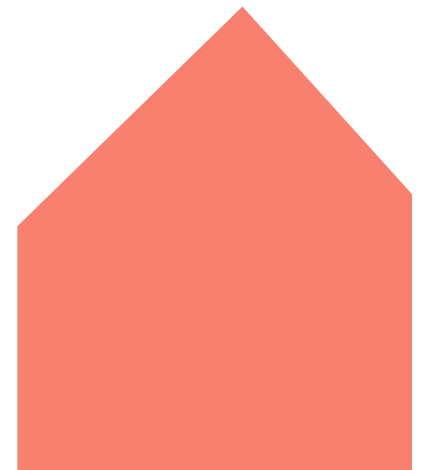
- Requirements for specific documents proving TRP compliance prior to the issuance of specific permits. Phrase this as “the developer will [. . .] prior to the issuance of [. . .]”, so no to impose action on Council.
- An agreement that any permit issued without TRP fulfillment may be revoked

## *Train City staff*

Staff must know to deprioritize processing applications that are missing the required TRP evidence. This is more legally sound than actually rejecting the application in the case of regulatory permits.

## *Clear communication*

Ensure these staged requirements and their impact on development timelines are clearly communicated to developers. This means going beyond the TRP Covenant and laying out the requirements in additional communication materials.





# MANDATORY MEETINGS

Current Applications  
Vancouver's Broadway Plan  
Survey of BC municipalities

A municipality requires that a development applicant meet with the tenants who will be impacted by a proposed redevelopment. During the meeting, tenants are informed of the development timeline, their rights according to the municipal TRPP, their options for compensation, and also have the opportunity to ask questions or raise concerns about the project.

## Key Findings from Current Applications

- Meetings provide a sense of certainty to developers, municipalities, and tenants
- The ability for tenants to voice concerns about the redevelopment process during meetings will save municipalities time during the public hearing phase
- Meetings are most effective when they: take place prior to the redevelopment application submission, involve City staff, and are facilitated by Tenant Relocation Coordinators

## Enabling Conditions

- City staff available to attend meetings

## Complementary Enforcement Tools



TRCs



Permit holds

## Equity Considerations



Potential comprehension issues for tenants with language barriers, disabilities, or limited access to additional resources



Developers are not always attuned to the cultural or community needs of the tenants they would meet with



When meetings are held one-on-one, there is an absence of collective representation

## Implementation Requirements

Staff capacity					
Time before impact					
Cost					

## Enforcing Tenant Protections

SCARP — TRAC — Fair Housing Force

# MANDATORY MEETINGS



Mandatory meetings between landlords and affected tenants help enforce the fulfillment of TRPP obligations held by landlords. To ensure TRPP enforcement, mandatory meetings are facilitated by city officials and can happen at various stages of the relocation process. **Mandatory meetings are most effective when they are held during the inquiry process, prior to redevelopment application submission.** This is the ideal time to familiarize tenants with their rights, the obligations of their landlord, and the resources available to them.<sup>8</sup>

Being informed early on, tenants are more likely to report inadequate landlord adherence to TRPPs, a necessary first step towards employing further enforcement measures.<sup>9</sup> Meetings that are held during later stages of relocation also prove beneficial to the enforcement of TRPPs, as changes in the redevelopment process are often not disclosed to affected tenants. These meetings also provide a safe space for mediation, if a tenant does not feel as though their rights are being respected or the landlord's duties are being fulfilled.<sup>10</sup>

In lieu of a proper rental licensing system, recurring meetings between landlords, tenants, and a city official can help enforce accountability and transparency. Optional meetings that only involve landlords and tenants, are not considered an enforcement tool within the scope of this project. The presence of a city official guarantees that the meeting actually takes place and that sufficient information is provided, and allows for a loose tracking system to be set in motion.<sup>11</sup>



# VANCOUVER'S BROADWAY PLAN

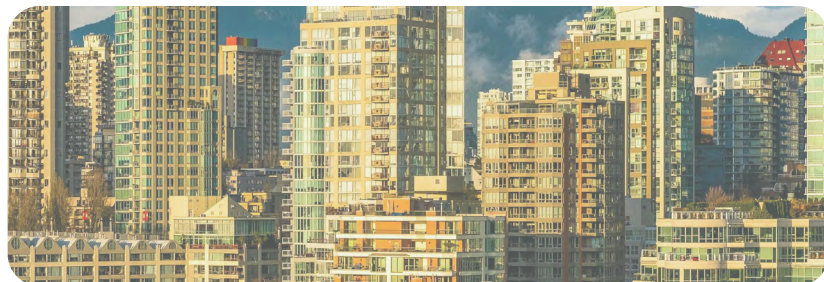
The breadth of the Broadway Plan's scope and tenancy implications makes it a unique example of TRPP enforcement. Beginning in 2009, plans were put into motion to extend Vancouver's Skytrain Millenium Line from the VCC-Clarke Station to a new terminus station at West Broadway and Arbutus Street. This new line would allow transit users to avoid an increasingly congested section of the Broadway Corridor and further improve connection with the neighbourhood of Kitsilano.

Coming off the heels of the contentious Canada Line construction project, the proposed Millenium Line extension garnered mixed public reactions. Among the main concerns were decreased business for vendors and the displacement of tenants within the Broadway Corridor.<sup>12</sup> In response, the City promised new protections to minimize harm to vendors and tenants, including embedding additional TRPPs into the plan's official framework.<sup>13</sup> The Broadway Plan, along with the improved TRPPs, came into effect on September 1, 2022.

## *Housing Demographic Context*

The Broadway Plan draws upon demographic data primarily sourced from the 2016 Census<sup>14</sup> and the 2018 BC Assessment,<sup>15</sup> as consolidated in the 2019 Broadway Plan Area Profile. This comprehensive profile indicates that the Broadway Plan is set to affect approximately 80,000 residents, constituting around 12% of the City's overall population.<sup>16</sup>

With regard to housing types, non-market co-ops make up roughly 3% of housing within the Broadway Plan area. Non-market housing provided by non-profits account for another 5%, while purpose-built rental units account for 37%. All other housing types, which include owner-occupied and secondary rental such as rented condos and basement suites, make up the remaining 56% of housing in the area.<sup>16</sup>



The need for strong TRPP enforcement becomes evident when considering the density and concentration of renting tenants within the Broadway Plan area. The insecurity of secondary rentals, which comprise a significant portion of the housing in the area, will place tenants in harm's way throughout the 30-year plan.

## *New Enforcement Tools of the Plan*

While the Broadway Plan includes a number of TRPPs that are not present in city-wide legislation, there are only two new TRPP enforcement tools included in the plan.\*

The first new enforcement tool employed in the Broadway Plan is a mandatory meeting between applicants and tenants. In the pre-application stage, the redevelopment applicant is required to host a meeting for tenants in buildings with ten units or more, to further explain the project, application timelines, and the TRP process. For projects of less than 10 units, one-on-one meetings will be held, with City staff in attendance. Following these meetings, the City will send a Tenant Needs Survey to all residents to identify specific preferences or special circumstances to tailor the support they receive. This survey will also serve as a monitoring system, guaranteeing that these meetings are, in fact, being held.

The Broadway Plan has also introduced the requirement that development applicants show proof of assistance in securing a housing option that is affordable and/or suitable to the displaced tenant's needs (e.g. accessible unit, supportive housing, assisted living facility). This presentation of proof, unlike the city-wide legislation, will need to be provided before redevelopment is approved, and will ensure that redevelopment applicants fulfill their duties to assist with relocation.

## *Assessment of the Broadway Plan*

The two new enforcement tools that the City instituted with the adoption of the Broadway Plan certainly provide increased support and protection for displaced tenants. **Mandatory meetings help guarantee that tenants are aware of their rights**, and have a better sense of the redevelopment process.<sup>17</sup> This allows them to make more informed decisions as they move through a complex system. These meetings will also serve as a check-point for redevelopment applicants, creating an ongoing relationship with the City based on duty-fulfilment.



This duty-based relationship will be further accentuated through the employment of stricter reporting systems, in which the applicant must provide proof of assisting their tenant to find suitable alternative housing. While perhaps not as strong as a full licensing system, this enforcement tool will nonetheless improve landlord and/or applicant accountability.

Despite these strengths, there are still gaps in ensuring that TRPPs are carried out as intended within the Broadway Plan. Several TRPPs pertain to financial support provided by redevelopment applicants or landlords to displaced tenants, yet there remains no enforceability function built into any. Further, the geographic scope of the Broadway Plan poses a challenge for tenants to find suitable, affordable housing within close proximity of their original unit. We must consider TRPP enforcement as an enforcement of a tenants rights and interests; when proper zoning enforcement tools are not built into project plans (if, for instance, overlay zones are not utilized), some tenants may be forced to choose between their right to affordable housing and their desire or need to remain close to their communities and the services they access.

## Current Applications in BC

While the benefits of mandatory meetings between developers/ landlords and tenants are widely known, and are only further evidenced by Vancouver’s Broadway Plan, they are not required by every municipality in British Columbia. This is especially concerning since they are among the least onerous tools used to enforce TRPPs, and because they assist not only tenants, but developers and local governments alike. The following gives a rough sketch of the positions of municipalities throughout BC regarding the inclusion of mandatory meetings during the redevelopment process:

<i>Requires meetings</i>	<i>Suggests meetings</i>	<i>No mention of meetings</i>
--------------------------	--------------------------	-------------------------------

**Burnaby** Stated purpose: connect tenants with TRC

**Coquitlam** Stated purpose: inform tenants of the redevelopment plan

**Langley** Stated purpose: connect tenants with TRC, inform tenants of compensation options

**Delta** Stated purpose: connect tenants with TRC, complete an additional needs assessment with tenants

**Maple Ridge** Stated purpose: inform tenants of the redevelopment plan

**Vancouver** Stated purpose: inform tenants of the redevelopment plan and compensation options

**Victoria** “Ongoing communication regarding the process of the development and tenant assistance process at each stage of the process *could include*: a meeting, letter, email, etc.

**Richmond**  
**New Westminister**  
**Surrey**  
**White Rock**  
**Port Moody**  
**North Vancouver**



# APPLICATION ANALYSIS

## *Transparency and Information Sharing*

These meetings provide tenants with crucial information about their rights, the proposed redevelopment process, and available resources for finding new housing. Transparency helps also alleviate uncertainty and anxiety among tenants facing displacement.

## *Empowerment of Tenants*

By understanding their rights and available resources, tenants can make more informed decisions about their housing options. These meetings empower tenants to advocate for themselves and negotiate fair relocation assistance or compensation packages.

## *Trust Building*

Engaging with tenants directly fosters trust between developers and the tenants, allowing tenants to feel safer voicing their concerns or asking necessary questions. It also demonstrates a commitment to open communication and collaboration throughout the redevelopment process, which can help mitigate potential conflicts or resistance.

## *Identification of Specific Needs*

These meetings offer an opportunity to identify the unique needs and concerns of individual tenants. Developers can better understand the demographic makeup of the community being displaced and tailor assistance programs accordingly.

Across all cases, mandatory meetings between developers and tenants appear to be a crucial mechanism for ensuring transparency, empowering tenants, complying with regulations, and fostering collaborative relationships between stakeholders. By prioritizing communication and support, these meetings contribute to more equitable and socially responsible redevelopment processes. These similarities all suggest the crucial importance of requiring such meetings to enforce the protections for tenants laid out in TRPPs.

## *Different Specifications*

While the mandatory meetings required by Vancouver, Burnaby, Coquitlam, Langley, Delta, and Maple Ridge all follow a similar structure, it must be noted that Vancouver is unique in that it specifies the format the meeting must take based on the size of the building undergoing redevelopment. For buildings with less than 10 units, the mandatory meetings must be one-on-one (with a City staff member present). This presents several additional benefits:

- **Increased Confidentiality** Some tenants may feel more comfortable discussing sensitive issues or personal circumstances in a private setting. One-on-one meetings provide a confidential space for tenants to express their concerns without fear of judgment or scrutiny from others.
- **Clarity and Understanding** In a one-on-one setting, tenants have the opportunity to ask questions and seek clarification on complex issues without distractions or time constraints. Developers can ensure that tenants fully understand the information provided and feel empowered to make informed decisions.
- **Personalized Assistance** One-on-one meetings allow developers to address the specific needs and concerns of each tenant in a more personalized manner. This approach enables a deeper understanding of individual circumstances, facilitating tailored solutions and support.

These benefits depend, in part, on the presence of a City staff member or TRC, which not every municipality that includes mandatory meetings in their TRPPs require. It is essential that these meetings are safe spaces for tenants to learn about their rights and compensation options. Especially in situations where a tenant may want to voice a concern, having an independent, third-party present will ensure that they feel safe to do so.

# EQUITY CONSIDERATIONS

## *Access to Information*

Not all tenants may have the same level of understanding or access to information about their rights and options. Even when this information is shared in meetings, there may be comprehension issues for tenants with language barriers, disabilities, or limited access to additional resources. If meetings are held online, older tenants may disproportionately struggle to access the meetings due to technical illiteracy.



## *Cultural Sensitivity*

Developers may not always be attuned to the cultural or community needs of the tenants they are displacing. This lack of cultural sensitivity can lead to meetings which do not speak to all relevant concerns for tenants. This could reify cultural oppression as, on the surface, tenants appear to have the space to voice concerns, while in reality these meetings may not be structured in a way that allows for all relevant topics to be discussed.



## *Tenant Representation*

In cases where meetings are held one-on-one with tenants in smaller buildings, there may be concerns about the absence of collective representation. Without a unified voice, tenants may be at a disadvantage when negotiating with developers, leading to disparities in outcomes.



# KEY FINDINGS: MANDATORY MEETINGS

- *Meetings provide a sense of certainty to developers, municipalities, and tenants.*
- *The ability for tenants to voice concerns about the redevelopment process during meetings will save municipalities time during the public hearing phase.*
- *Meetings are most effective when they: take place prior to the redevelopment application submission, involve City staff, and are facilitated by Tenant Relocation Coordinators.*



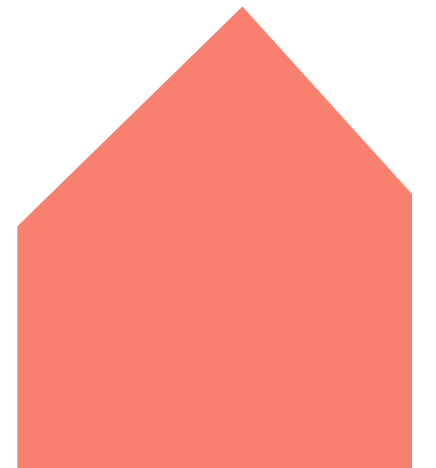
# IMPLEMENTATION

## *Update TRPP*

The requirement for mandatory meetings should be included in the municipality's TRPP bylaw.

## *Communication with City*

The creation of a system through which developers can inform city staff of meeting time and place will enable municipal staff to keep track of compliance with the requirement, and to attend the meetings.





# TENANT RELOCATION COORDINATORS

A Tenant Relocation Coordinator (TRC) is the third party hired or designated by the applicant to assist tenants. Several TRPPs in BC require the appointment of a TRC to support tenants with consistent communication throughout the redevelopment process and to assist tenants in finding alternative housing.

## Key Findings from Current Applications

- The effectiveness and reach of TRC assistance is time dependent
- TRCs require highly specialized training similar to that of social workers which should be specified in TRPPs
- Tenant well-being is the main priority of the TRC and should be monitored throughout the development and relocation process

## Enabling Conditions

- Appropriate supply of TRC's to accommodate the rate of redevelopment and tenant relocation

## Complementary Enforcement Tools



Mandatory meetings



Financial assurance



Permit holds

## Equity Considerations



TRC effectiveness hinges upon trust-building with tenants through consistent communication



Cultural sensitivity and a trauma-informed approach are critical for working with diverse tenants



TRCs should be involved in a strategy for monitoring and evaluation system for tenant well-being

## Implementation Requirements

Staff capacity



Time before impact



Cost



# TENANT RELOCATION COORDINATORS



As larger buildings in the Metro Vancouver area are slated for redevelopment, more tenants are in need of enhanced support, moving assistance and championing of their rights by developers and municipalities. In meetings with tenants, the presence of a neutral third-party with specialized knowledge of the redevelopment and relocation processes, is a necessary component of adequate tenant protections. Whether this be a Tenant Relocation Coordinator or a representative from a tenant advocacy organization, **tenants deserve the peace of mind afforded by a trust-worthy third-party who advocates for their well-being.** Other tools such as Mandatory Meetings, emphasize the importance of this role for ensuring positive outcomes for tenants.

Most TRPPs in Metro Vancouver require that landlords hire an independent, third-party professional Tenant Relocation Coordinator (TRC) to support tenants throughout the relocation process. These TRPPs outline the expectations of the TRC, including the timing and degree of engagement with tenants during the development application process, and the responsibilities associated with the implementation of a Tenant Communication Plan, or Tenant Relocation Plan. While some municipalities, such as New Westminster and Port Moody, do not require the appointment of a TRC, **their role in facilitating an equitable, tenant-focused relocation strategy cannot be overstated.**

TRCs who work with market housing developers most often begin to engage with tenants on or near the rezoning application date and may refuse work with developers who wish to hire them in the pre-application phase of the project. This ensures that TRCs start working with tenants with the confidence that the project will be moving forward. On the other hand, TRCs should not work with clients who claim to have moved through to later stages of the development permit application process, as this does not allow adequate time to proactively communicate, build trust, and evaluate the needs of tenants in the building.



# CURRENT APPLICATIONS

## *Municipalities that require a TRC*

- Burnaby
- Delta
- Coquitlam
- North Vancouver
- District of North Vancouver ("TRC should be hired")
- Victoria ("TRC should be hired")
- White Rock
- Langley City
- Surrey
- Maple Ridge

## *Current Shortcomings in the TRC Landscape*

Insights from our informational interviews with TRCs and an evaluation of TRPPs for tenant support such as in the Broadway Plan TRPP, helped to identify several shortcomings in the current landscape of TRCs and their relationship to municipalities:

With the **severely limited supply of TRC firms in the region**, potential clients are often turned away and the capacity to hire and train new staff is compromised.

As TRPPs become more complex, their **implementation is becoming increasingly challenging** with limited staff capacity of TRCs and staff at the city level.

Tenant relocation requires an **increasingly specialized skill set** including conflict resolution and trust-building that municipal staff aren't necessarily trained for and don't have the capacity to facilitate, especially without a renters office.

As regulators, city staff are tasked with ensuring that the developer follows the TRPP, from initial inquiry to time of occupancy. This **limits their capacity to engage with tenants** from a social policy priority perspective, i.e. from an equitable, tenant-first perspective that considers the health and well-being of tenants.

# EQUITY CONSIDERATIONS

## *Building Trust with Consistent Communication*

The effectiveness of a TRC hinges upon their consistent communication and availability to assist tenants. Trust takes time to build, thus warranting a proactive approach to engagement with tenants through frequent and substantive communication. While some tenants may require more engagement than others, all tenants should be aware of their rights and options for support during the relocation process.



## *Cultural Sensitivity*

TRCs should be trained to engage tenants through a culturally sensitive, trauma-informed approach. Indigenous tenants, who are more likely to face community disconnection as a result of relocation, should ideally work with TRCs who are equipped to understand these unique needs and vulnerabilities.



## *Strategy for Monitoring Tenant Well-being*

Updates to TRPPs should take inspiration from the practices of non-profit housing developers such as Brightside Community Homes Foundation who implement methods for monitoring and evaluating tenant well-being through a set of key indicators.



# KEY FINDINGS: TRCS

- *The effectiveness and reach of TRC assistance is time dependent.*
- *TRCs require highly specialized training similar to that of social workers which should be specified in TRPPs.*
- *Tenant well-being is the main priority of the TRC and should be monitored throughout the development and relocation process.*

# IMPLEMENTATION

Our research has found that TRPPs require improvements to their language regarding the use of a TRC, in order to establish a stronger commitment to equitably addressing the health and well-being of tenants throughout the relocation process.

## *Municipal TRC Registry*

Currently, the availability and awareness of TRCs by the public is severely limited. A municipal registry has the potential to provide a centralized resource for developers and tenants to access information about qualified TRCs. Access to this registry could be provided through a publicly accessible web page maintained through an enhanced partnership between planning staff and established TRC specialists.

## *Incentives and Training*

According to informational interviews with TRC specialists both within the non-profit development and market development side of tenant relocation in BC, TRCs often need to engage with tenants through the lens of a social worker. This necessitates careful consideration of the needs of vulnerable tenants and a commitment to transparent communication as early as possible in the development application process.

Given the small number of qualified TRCs working with market housing developers, a combination of incentives and skills-building resources would help to increase the recruitment and training of new TRCs. Building upon existing collaboration between non-profit housing relocation specialists, planning staff, and market housing TRCs is also crucial for supporting a new wave of TRCs.

*"The key is clear, consistent and concise communication with tenants so that they understand what the expectation is, what their rights are, and what the timeline is" (BC TRC specialist, 2024)*



# Improvements to TRPPs

While several TRPPs require the appointment of a TRC to assist tenants, **these policies need stronger language to establish the necessary skills and experience level of TRCs.** Additionally, TRPPs should clearly emphasize the many ways that TRCs can ensure tenant well-being at key points during the development permitting and relocation process. For instance, rather than during the pre-application stage, TRCs are typically hired just prior to the 4-Month Notice to End Tenancy.

To optimize the best possible outcome for tenants, requirements within **TRPPs should be as specific as possible regarding when a TRC should be hired.** We recommend that municipalities include this information through an implementation guide or checklist within their TRPPs. The checklist should request that applicants hire a TRC during the pre-application stage to encourage best practices for tenant assistance. Burnaby’s TRPP does well to exemplify designated requirements for TRC involvement at specific intervals of the redevelopment process in their “Tenant Assistance Policy Implementation Checklist”.<sup>18</sup> This involves requesting the introduction of TRCs to tenants through a group tenant meeting (a mandatory meeting), where City staff must be present, within 60 days of Council authorizing the Planning and Development department to work with the applicant.

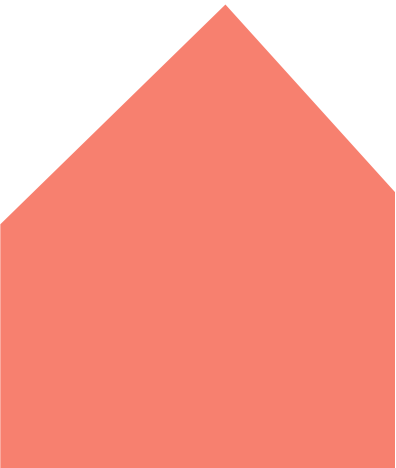
While most TRCs have their own strategies for working with tenants with different needs, municipalities should take a more proactive approach to ensuring that applicant-hired TRCs have a clear strategy for maintaining tenant well-being. This strategy should work towards mitigating negative health impacts (mental and physical) as a result of relocation, reduce barriers to social

*“TRC work becomes increasingly urgent as you approach the 4-Month Notice period, and especially so after the notice is issued, because achieving appropriate and secure housing is the main objective in TRC work, and a 4-Month Notice is of course a risk to that objective” (Former TRC specialist, 2024)*

connectedness, increase tenants’ sense of belonging in their relocated unit, respect long-term resident’s desire to age in place, and facilitate as much trust as possible through open and consistent communication.<sup>19</sup>

# Monitoring Tenant Outcomes

Non-profit housing relocation specialists, such as those at Brightside Community Homes Foundation, have a more publicly accessible strategy, as well as studies that monitor and evaluate their relocation strategy with a focus on tenant wellbeing.<sup>19</sup> Support for further research on the implementation of TRPPs that stipulate the hiring of TRCs could help to identify challenges, refine and adapt policies, as well as monitor and assess tenant outcomes and satisfaction levels more efficiently. Furthermore, municipalities have the opportunity to enhance standards for TRCs by adding a requirement in TRPPs for reporting on the short-term and long-term welfare of tenants.





# FINANCIAL ASSURANCE

**Current Applications**  
Bonding in Burnaby  
Escrow in Santa Monica, CA

A letter of credit or escrow account may be used to ensure financial security and accountability for tenant compensation requirements as mandated by TRPPs. A developer places compensation funds in an account held by a third party, and the funds are disbursed to ensure the developer meets TRPP obligations.

## Key Findings from Current Applications

- Financial Assurance is strongest when compensation obligations are defined and included as a prerequisite for rezoning
- This tool supports tenants in the short and long term
- Administration requires a Renter's Office

## Enabling Conditions

- TRPP that emphasizes justice to tenants through financial security and accountability of developers
- Healthy working relationships with developers to drive willing compliance
- Municipal staff capacity such as a Renters Office to administer the financial instruments

## Complementary Enforcement Tools



Mandatory meetings



TRCs



Permit holds

## Equity Considerations



Financial assurance can help prevent homelessness and stress related to housing insecurity



Policies should identify in advance those who require additional assistance



Facilitates tenant agency in selecting compensation option

## Implementation Requirements



## Enforcing Tenant Protections

SCARP — TRAC — Fair Housing Force

# FINANCIAL ASSURANCE



Financial assurance guarantees to a municipality that a developer can and will pay all costs required of them in the TRPP. There are a few different financial tools that can create this guarantee, including a letter of credit and the use of an escrow account.

Financial assurance is crucial for promoting equity in TRPPs. While compensation policies in TRPPs have grown in complexity over time, they require continuous enhancements to better address the diverse needs of tenants. The ability to guarantee the affordability of the new unit and to offer supplementary financial assistance for vulnerable or marginalized tenants are essential features of an equitable TRPP. Prior research has shown that tenants in BC do not benefit from a one-size-fits-all compensation approach, but would benefit from being given the agency and flexibility to select their preferred form of compensation.

Financial compensation for relocating tenants is required by all TRPPs in BC and can take the form of free rent, lump sum payments, a combination of the two, or rental top-ups.<sup>1</sup> While all cities require compensation in their TRPPs, most cities lack a legally binding enforcement tool to safeguard tenants from receiving inadequate compensation during relocation.

## → Bonding through a Letter of Credit

The City of Burnaby is the only municipality in BC to require the use of bonding through an irrevocable letter of credit, in order to ensure financial obligations to tenants displaced by redevelopment are fulfilled. This enforcement tool has the potential to contribute to a more transparent, equitable, and fair process for all parties involved. Since it is tied directly to the City's development application and permitting process, without a letter of credit, developers will face barriers to project approval.

## → Financial Assistance through Escrow

The City of Santa Monica was selected as another exemplary municipality for its escrow policy within its tenant protections. Similar to bonding, this escrow policy is a unique form of financial assurance that could prove to be feasible for municipalities in BC to implement and to increase options for the enforcement of financial obligations to tenants.



# BURNABY'S TENANT ASSISTANCE POLICY

Burnaby's City Council has recently implemented long-term strategies and initiatives related to tenant protections and affordable housing.\*\* This makes Burnaby an exemplary municipality due to its commitment to supporting renters and its work towards ensuring a fair and equitable housing market through zoning and tenant protection policy frameworks.

## *Housing Demographic Context*

Based on 2021 Census data, Burnaby stands out as one of the fastest-growing major municipalities in Canada, exhibiting a higher rate of new home additions compared to the regional average. Among the City's 249,120 residents, there is a significant contrast in median household incomes between homeowners and renters. While the median household income for homeowners sits at \$80,492, renters have a notably lower median income of \$45,839.

60.5% of households in Burnaby are owner-occupied, while 39.5% are rented. Addressing the growing demand for rental housing is crucial, as the City projects a need for an additional 5,690 rental units from 2021 to 2030. As outlined in the City of Burnaby's Housing Needs Report (2021), ensuring the affordability of these units is paramount, especially



given that homeownership remains unattainable for a majority of households in the community.<sup>20</sup> These initiatives prioritize the development of purpose built rental units and the protection of existing rental stock from redevelopment to address the pressing housing needs of the community.

## *Innovative Protections for Renters*

In July 2019, Burnaby's Council adopted the Mayor's Task Force on Community Housing Final Report, followed by the Rental Use Zoning Policy (RUZP) in 2020. These policies have worked in tandem to increase the supply, diversity and affordability of housing as well as enable the replacement and protection of existing rental sites.<sup>21</sup> The city's proactive approach to increase the provision of non-market and market rental housing has led to one of the most progressive Tenant Assistance policies in Canada.

Updated in 2020, as a result of recommendations born of the Mayor's Task Force on Community Housing, the City's Tenant Assistance Policy (TAP) has been touted as a landmark set of protections for renters, providing four pillars of support including: "help finding a new place to rent, rent top-up payments to bridge the gap between the rent they paid for their old unit and what they'll pay for their interim housing, financial support for moving, and the right to return to the redeveloped building at the same rent in a unit with the same number of bedrooms".<sup>22</sup>

## *A Unique Approach to TRPP Compliance*

Within the City's TAP is a requirement for landlords to provide financial security to ensure that tenant's rights are protected through fair compensation. Burnaby's policy in relation to tenant protection and compensation is the only one of its kind in the Metro Vancouver region.

Section 6.4 of the TAP, entitled "Bonding", states that "the City will require bonding in the determined amount to be submitted to the Planning and Development Department in a form acceptable to the City".<sup>22</sup> This bonding is required prior to Final Adoption of the Rezoning Amendment Bylaw and it most often takes the form of an irrevocable letter of credit that must be issued from the applicant to the City.

Representing the total amount of compensation to be provided to tenants over the course of relocation, funds are held by the City until the redevelopment is completed, tenants have moved in, and the renters office has received a final report. If there is a transfer of ownership of the building, the funds remain tied to the building. Then, it is documented if there is a title transfer to a new owner.

**What are the advantages of bonding?**

- The policy in its current form **reduces disruptions to financial compensation** by ensuring developer accountability. Prior to the policy, if developers were unable to pay rent top-ups to tenants, there was nothing that the city could do to support tenants financially.
- The bond is particularly effective at helping to **ensure that the rent top-ups are provided to tenants in the long-term**, which is facilitated through the TAP’s offer for right of first refusal at tenants’ original rents. This is an extensive form of financial protection compared to most other TRPPs.\*\*
- The renter’s office at Burnaby cannot issue tickets for non-compliance to the TAP, meaning that it cannot be enforced like a bylaw. However, for municipalities with a renter’s office, the letter of credit can offer **continued support to eligible tenants in receiving their rent-top ups**, ensuring that the affordability of their new units is maintained.

Furthermore, there are certain conditions in Burnaby that make this type of financial assurance policy for tenant protections possible:

- The City offers higher-than-typical density bonuses to developers that helps to cover the cost of rent-top ups offered by the TAP.
- The TAP is directly tied to their Rental Use Zoning Policy which stipulates that rents for replacement rental units must be set to existing rents for returning tenants; this applies to sites with purpose-built multi-family rental buildings of five or more units.
- According to Burnaby City Staff, transit-oriented areas such as the Metrotown neighbourhood “are at the core of TAP implementation”, and that the compensation packages offered by Burnaby’s TAP may not be possible in density-restricted areas.

***Challenges***

With the growing number of redevelopment projects, the administration of the bonding mechanism presents some challenges. In the event that a developer defaults on their Tenant Assistance Policy obligations and is unable to continue issuing monthly rent top-ups, multiple City departments must take swift action to ensure tenants receive their rent top-up payments. Without a dedicated team to administer and oversee tenant protections, city staff may be over capacity to deal with such challenges beyond their regular work plans.

When the default occurs, the City is able to cash the bond and administer payments on the developers behalf to prevent homelessness. But, the process of defaulting requires particular cooperation and coordination between multiple departments of the City. Clear procedures are needed to ensure this process is administered properly by staff.

Informing tenants of the news that a developer has defaulted can also bring on significant stress for tenants as the uncertainty regarding the next steps of the process increases. Tenants therefore need the confidence of financial assurance from the City so that their rights are protected throughout the redevelopment process.



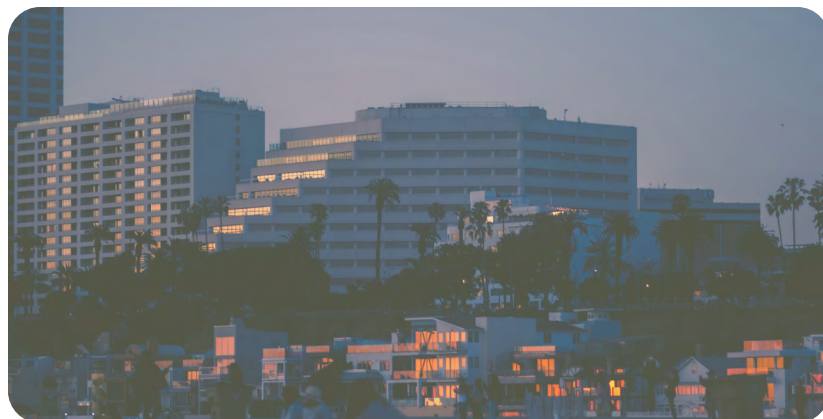


# SANTA MONICA: RELOCATION ASSISTANCE FEE THROUGH ESCROW

The City of Santa Monica has a considerable history of protecting tenants through strong rent control laws, eviction protections, protections from landlord harassment and discrimination, and tenant relocation assistance. Recently, Santa Monica City Council approved a slate of added protections for renters including prohibitions against drastic rent increases, unjust evictions, and harassment.<sup>23</sup> The approved amendments are in alignment with the city's strategic priorities of addressing homelessness and justice, equity and diversity.

## *Housing Demographic Context*

With a population of about 90,000, Santa Monica is made up of about 70 %renter households where more than 40% of renters spend 30% or more of their gross income on housing. For a one person household, low income is considered 80% of the median income at \$70,650.



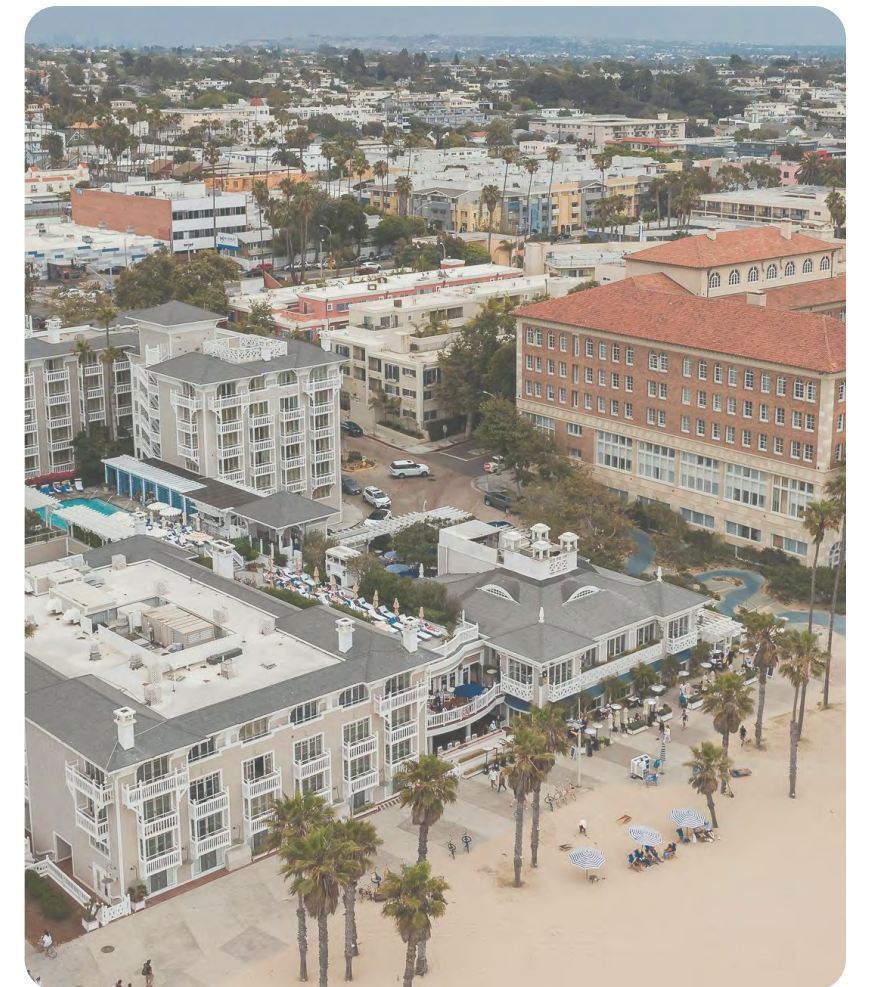
According to the Regional Housing Needs Allocation (RHNA), for the period of October 2021 through October 2029, Santa Monica has received an allocation of 8,874 new housing units, of which 70% must be for lower-income households.<sup>24</sup> The allocation grew from 209 units per year in the previous RHNA cycle, to 1,100 units per year in the current cycle. While the City works to preserve their existing stock of affordable rental units, it continues to invest in the development of new affordable housing and touts robust legal protections for its 70% renter population.

## *Financial Protection with Escrow*

The mandated financial protections for renters impacted by forced relocation in California present an important enforcement tool that municipalities in BC should learn from. In Santa Monica, it is required by law that landlords pay a relocation fee to tenants who are forced to permanently move out of their homes. This includes situations where the landlord seeks to demolish or otherwise remove the unit from rental use. Prior written notice must state that “the relocation fee has been placed in an escrow account (or other account approved by the City), including the name of the escrow company, the amount in escrow, and the date the account was opened”.<sup>25</sup>

Calculation of the relocation fee is based on the housing unit type, and the fee is increased if the tenant or household includes a senior, disabled person, or minor under the age of 18. Depending on the tenant's needs, landlords must pay a fee ranging from \$16,500 to \$33,650. If the rental unit is occupied by more than one tenant, each tenant must be paid an equal pro-rata share of the fee.

These fees are determined per section 4.36.040 of the Santa Monica Municipal Code, and each July 1, the fee is adjusted according to the most current available Consumer Price Index (CPI) figure. The tenant or





household receives the fee from an escrow account opened by the landlord. The landlord or property owner must place the escrow account with services such as a federally insured bank, a licensed broker, escrow services or a client trust account.

Prior to the notice of termination of tenancy, the landlord has to place the relocation fee in an escrow account or other account approved by the City. The landlord is required to instruct the escrow holder to release the remaining relocation fees in the escrow to the tenant within two days after the tenant moves out.

The required instructions for the escrow account include outlining the permitted disbursements to the tenant(s), provisions that the costs of the escrow are prepaid by the landlord, escrow closure provisions, and a statement of indemnity for the City and its employees to avoid liability. This escrow mechanism provides protection to tenants during the relocation period and ensures that they receive the relocation assistance they are entitled to under Santa Monica’s Municipal Code.

Financial assurance to tenants through Escrow accounts have several advantages:

- **Quick resolution** Once the tenant moves out, the landlord can quickly instruct an escrow holder to release the remaining relocation fees.
- **Clear accountability** The use of an escrow account is a way of clearly delineating the responsibility of holding and disbursing the relocation fee. This can help prevent disputes between landlords and tenants regarding the handling of relocation fees.
- **Secure and transparent handling of fees** Since escrow accounts are managed by neutral third-party entities, this ensures a secure and transparent handling of funds while also reducing the risk of mismanagement of the relocation fees.
- **Prompt access to fees upon moving out** Tenants have direct access to the relocation fees once they move out of the old unit. This is important for tenants who may need funds immediately to secure a new residence, or to cover moving expenses.
- **Access to counseling services** for displaced tenants is covered by a required additional fee paid for by the landlord to the City.

## Concerns

- Because the relocation fee is not determined by income level or length of tenure, fixed lump-sum compensation amounts do not offer the flexibility needed to ensure that the new housing is affordable. This policy would be most applicable to situations wherein tenants are interested in receiving a lump-sum payment.
- In lieu of the permanent relocation fee, a landlord may relocate a displaced tenant into a comparable replacement housing unit satisfactory to the tenant. In this case, the landlord is liable for only the actual costs of relocating the tenant.
- Relocation plans are only required for temporary relocation.
- Landlords have to pay an additional fee for required counseling or other assistance needed by displaced tenants. This assumes that the default situation will be that displaced tenants fend for themselves and find a new unit. However, in certain cases, if the landlord provides a “displacement plan” outlining the special needs of the displaced tenants, the types of assistance that will be provided, and a commitment to pay for any such assistance, then this additional fee of \$250 for counseling does not have to be paid.





# APPLICATION ANALYSIS

## *Holding and Accessing Funds*

Both financial instruments warrant that funds be managed and held by a neutral third-party such as a bank, or federal credit union. For both contractual agreements, a fee is required to be paid to the third-party. All costs and fees required pursuant to the opening of an escrow account and a letter of credit are to be paid by the applicant.

However, with a letter of credit, the onus of responsibility is levied to the municipality to release the funds from the third-party financial institution. For the escrow account, written instructions made by the account holder (the applicant) determines when the funds are released. For a letter of credit, no such justification through written instructions is required.

## *Compensation Calculation and Timelines*

**With each financial agreement, there is a high level of transparency and accountability afforded to tenants.** They can feel confident that they will receive their allocated compensation for relocation quickly upon vacancy of the unit.

While tenants in both cases can be confident in the payout, the formula for calculating the required compensation from developers to tenants varies between instruments. For the letter of credit formula, Burnaby factors in the income level of each tenant. For the escrow relocation fee, unit size is the main variable that determines the fee amount. While Santa Monica's escrow relocation fee mandates an increased fee be paid to seniors, disabled persons and households with a minor, this fee is simply a lump sum. Tenants do not have the flexibility to request this fee to be adjusted further.

## *Administration*

The permanent relocation fee is determined by the Santa Monica Housing Office. To determine whether the fee is required, applicants must go through the Building and Safety Division which deals with building and construction regulations, compliance with entitlements through the public process, as well as plan review and customer service. Managing the approval of an escrow account opened by an applicant does not incur a significant increase in the workload of the City.

## *Staff Duties*

The staffing requirements for these tools are also relatively similar. The staff required to administer each tool is no different than what was required prior to implementation. Oversight for the bonding policy in Burnaby is done by the renters office, and since the City already required bonding for other obligations within the development process, no additional staff was required.

Yet, the role of staff differs slightly between instruments. While the funds in an escrow account are distributed directly to the displaced tenant once the specific conditions outlined in the escrow agreement are met, the letter of credit is a bilateral agreement whereby the City is the beneficiary that the issuing bank undertakes to pay upon the completion of agreed-upon terms involving the applicant. The applicant and the beneficiary (i.e. the developer and the City) have a direct contractual relationship with the bank, but do not have a direct contractual relationship with each other.

## *Enforceability*

Another key difference lies in the enforceability of these tools. Santa Monica's tenant protections are mandated through their Municipal Code, which are enforceable through legal mechanisms like fines and penalties. Burnaby's bonding policy is within its TRPP, and while the policy's strength lies in its conditional role in the development approvals process, unlike a bylaw it is not enforceable with fines and penalties.

# EQUITY CONSIDERATIONS

## *Preventing Homelessness and Related Stress*

Preventing Homelessness and Stress Related to Housing Security  
These financial instruments provide financial security to tenants as a means of reducing stress, preventing homelessness in the worst-case-scenario, and ensuring housing security regardless of tenant's background and length of tenure. Going beyond the typical TRPP, Burnaby's approach signals the potential to use bonding as a means of providing rental top-ups to tenants to ensure long term affordability of the new units.



## *Additional Assistance*

Santa Monica's escrow tool offers increased compensation for seniors, disabled persons, and households with minors, but lacks a consideration of income level or length of tenure. Due to this factor, the implementation of this tool lacks an intersectional lens that acknowledges that tenants experience multiple forms of disadvantage simultaneously based on a variety of factors. To adequately address the long term needs and compensation requirements of vulnerable tenants, income testing and needs assessments should be conducted at the earliest stage of the redevelopment process. Holding individual meetings with vulnerable tenants is crucial. These meetings create space to discuss specific compensation needs and rights during relocation, ensuring the best possible outcome for all tenants.



## *Tenant Agency*

Robust TRPPs should mandate developers to offer tenants the opportunity to negotiate additional compensation. It is essential to clearly communicate during the pre-application stage that tenants have a voice in determining their compensation options. This includes assurance that all financial commitments will be honored and backed by robust enforcement measures such as the necessity of a letter of credit. Tenants should also be informed early on of their recourse options in the event that a developer fails to fulfill their financial obligations.



# KEY FINDINGS: FINANCIAL ASSURANCE

- *Financial Assurance is strongest when compensation obligations are clearly defined and established early on in the development process.*
- *In best practice, this tool supports tenants in the short and long term by ensuring coverage for moving assistance and affordability of new rent.*
- *Effective administration of a financial assurance policy occurs when a Renter's Office is in place.*



# IMPLEMENTATION

## *Update to Municipal Bylaws*

Municipalities must first amend their TRPP to require financial assurance through an irrevocable letter of credit, an escrow account, or another form acceptable by the City. If using a bond through a letter of credit, clearly state that the compensation will be held by the City until the applicant has fulfilled their TRPP obligations, as determined by the City. These amendments can be framed as ensuring compensation obligations to tenants are fulfilled.

## *Determining Financial Assurance Amounts*

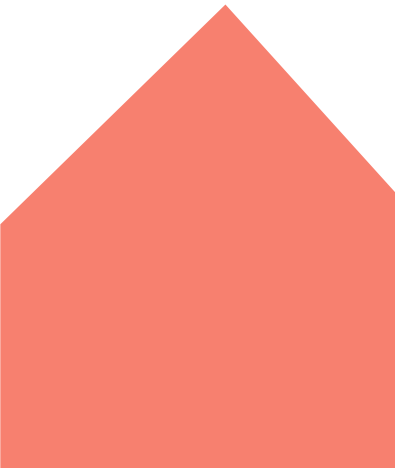
Cost estimates for tenant assistance benefits should be determined and reviewed by a Renters Office or comparable team. The method of calculating these estimates should be clearly laid out in the TRPP to avoid contestation.

## *Administration*

Administration will require responsive coordination and clear procedures for communication between applicants, TRCs, tenants, and the City. Ensuring enough staff capacity is crucial for its implementation and enforcement. An implementation guide is highly recommended as a resource for staff, applicants and tenants. This comprehensive guide should be periodically reviewed and refined as the TRPP is applied and monitored.<sup>26</sup>

## *Staff Capacity*

It may be necessary to explore the feasibility of a separate bylaw enforcement division, or renter’s office dedicated to ensuring that relevant parties and businesses adhere to all levels of the bylaw by responding to reported violations and conducting proactive enforcement (i.e. issuing notices of violation, administrative citations, or pre-determined fines and penalties).





# RENTAL LICENSING

**Current Applications**  
Mississauga's pilot program  
Landlord licensing in Montreal

Landlords are required to register each rental unit, pay an associated annual fee, and adhere to requirements set by the city. Licenses are discretionary and may be revoked at any time if, for example, TRPP obligations are not met for an applicable rental development.

## Key Findings from Current Applications

- This tool reflects an equitable tenant-first strategy that considers the safety and well-being of tenants
- Determining the right punishments and incentives is essential to the success of this tool
- Public awareness of the licensing system is key to its success

## Enabling Conditions

- High proportion of legal rentals
- Character of relevant developers signals a culture of compliance
- Sufficient municipal capacity to create necessary tracking infrastructure

## Complementary Enforcement Tools



Permit holds



Mandatory meetings

## Equity Considerations



Beings to correct power imbalance between tenants and landlords



Mandatory licensing oversight may pose risks to undocumented tenants



Reduction of affordable rental stock among units that are not up to code

## Implementation Requirements



# RENTAL LICENSING



Rental licensing can enable municipalities to withhold operations from landlords who do not meet their TRPP obligations. Under this tool, landlords are required to register each rental unit, and pay a per-unit fee to cover the municipality's associated administrative costs.

In the interest of TRPP enforcement, proof of compliance with TRPP obligations might be a requirement for licensing approval and the subsequent legal rental of a unit. In this way, **rental licensing is like a more flexible version of an occupancy permit hold**. If a developer fails to fulfill its requirements for only a certain number of tenants, a municipality could choose to deny registration of only that number of units, or could elect to revoke the landlord's license altogether.

Multiple Ontario municipalities have recently implemented rental licensing. Brampton, Hamilton, and Mississauga instated pilot programs aimed at improving building code compliance. Under these licensing systems, an 80% registration and compliance rate is considered a great success.<sup>27</sup> To maximize compliance under this model of licensing, a widespread awareness campaign will be required to make all potential tenants aware of the new deposit system and the risks of operating outside of this system.

This enforcement pathway can benefit tenants by introducing the ability to effectively prevent landlords from operating their business if they do not comply with regulations, including TRPP responsibilities. Furthermore, under this system, the damage deposit would be assessed and returned by an impartial third party, preventing landlords from fraudulently withholding a deposit.

## Enforcing Tenant Protections

SCARP — TRAC — Fair Housing Force



# RENTAL LICENSING IN MISSISSAUGA, ON

Rental licensing has arisen in different forms to address a variety of housing challenges. In Mississauga, these challenges include unaffordability and rental housing in disrepair. Between 2017 and 2020, the City received an average of 346 complaints annually from tenants in apartment buildings. As of 2021, nearly 5% of all occupied dwellings in Mississauga were in need of major repairs, 30% of households were rented, and 39% of renter households reported spending over 30% of their annual income on housing.<sup>7</sup>

## *Policy Context*

Licensing of specific dwellings is not new to the City of Mississauga. Since 2010, Lodging Houses have required licenses to operate.<sup>28</sup> In 2014, the City introduced a requirement that all secondary suites be licensed. This bylaw was in line with the OCP, and was intended to improve health and safety standards. Under this bylaw, the City has discretion to withhold licenses and renewals.<sup>29</sup>

## *Piloting Rental Licensing*

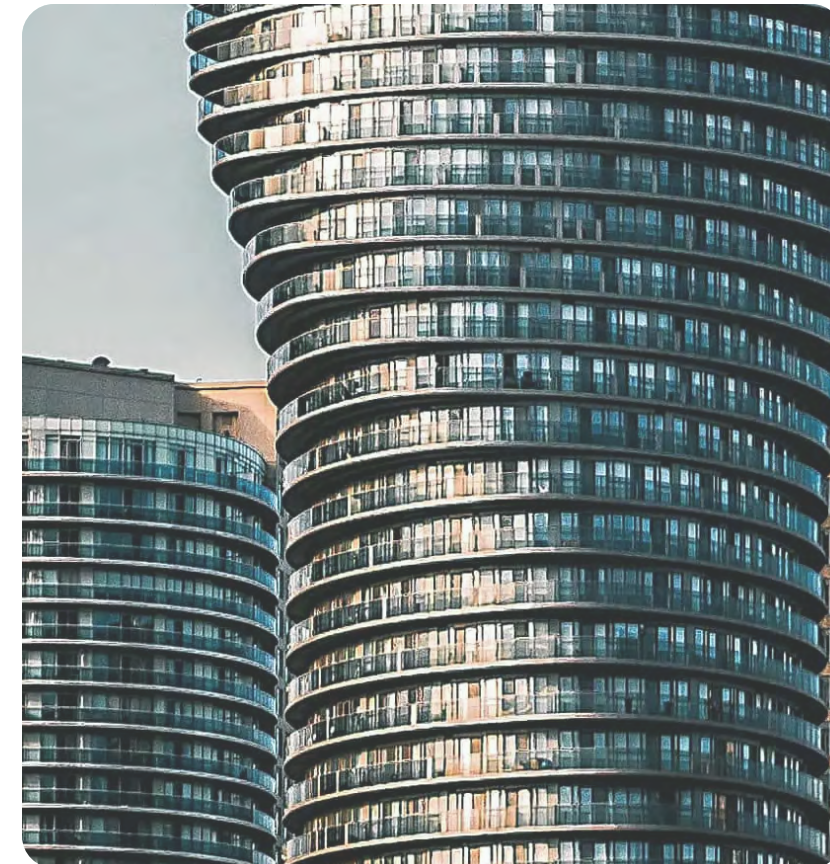
In July 2022, Mississauga began a pilot period for its rental licensing, requiring “apartment buildings with two or more stories and six or more units to be registered and have proactive inspections of the building”. Landlords must pay an annual registration fee of \$18.25 per rental unit, which helps cover administrative costs of maintaining licensing records and conducting building inspections. Over its intended five years, the pilot program was to cover 337 buildings, with 30,322 rental units.<sup>30</sup>

## *Interim Improvements*

Upon reviewing the progress of Mississauga’s licensing pilot in December 2023, targeted improvements were suggested. As of 2023, the licensing program had not sufficiently improved standards of living for renters. In an effort to increase landlord accountability, the following updates were made to the pilot program:

- Increasing minimum evaluation score (51% to 61%) for first quarter of 2024
- Public list of enforcement action that has resulted from program
- Update program website with registration statuses, inspection results
- Review of annual registration fee

Although City staff had inspected and reported on 99% of the City’s rental buildings, addressing 1500 bylaw violations, public awareness of the program remained very low. Two thirds of tenants were not aware of the licensing requirements, and 70% had faced problems accessing repairs to their units in the past year.<sup>31</sup>



# LICENSING IN MONTREAL

Montreal maintains an online landlord registry which displays registration status and proof of inspections as part of a publicly available record.

## *Context*

Rental licensing in Montreal grew out of a need to find better enforcement channels for the City's existing bylaw: Respecting Standards for Residential Occupancies. Prior to rental licensing, the bylaw relied on tenant complaints. Complaint response time was slow, and even after an inspection was undertaken and a violation was recorded, the City had limited ability to ensure compliance from the landlord.<sup>32</sup>

## *Punishments and Incentives*

The City motivates landlords to register their units and operate lawfully with the following measures:

- Landlords who fail to comply with Montreal's registry requirements can face fines for each day an unregistered unit is rented.
- Only registered owners are eligible for financial assistance under the City's affordable housing renovation program.



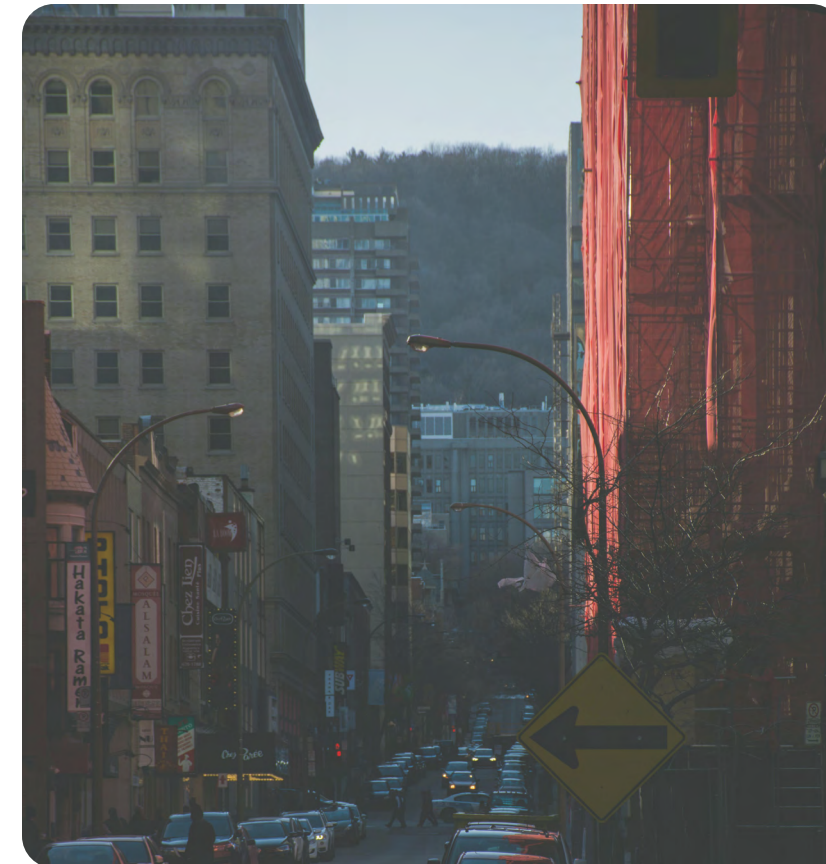
If a violation is recorded on a registered rental unit and a work order issued, the landlord must comply within a certain timeframe. If they refuse to comply, the following may occur:

- The City can collect a financial penalty through property taxes.
- The City may revoke landlord certification – this is a last resort, as it can result in tenant displacement.

## *Impact*

Montreal's rental licensing requirements currently cover rental buildings with eight or more units, which make up only 35% of the City's rental market. About 25,000 rental units benefit from improved enforcement through this program.

Some have suggested that the additional costs landlords incur to be licensed will be passed on to tenants. Even in cases where costly repairs are required for buildings to meet occupancy standards, most landlords already reach the City's 2% rent cap and will not be allowed to raise rents beyond this.





# APPLICATION ANALYSIS

## *Occupancy Standards*

Mississauga's rental licensing pilot and Montreal's mandatory landlord certifications grew out of a similar need to hold landlords accountable for providing major repairs and reasonable living standards. In both cases, these standards had been codified in a municipal bylaw, but violations remained widespread with compliance difficult to compel.

## *Initial Implementation*

In both cases, the resources required to implement a registry and respond to violations is consequential. Both would have required staff time to establish and maintain the registry, with additional staff time required on the bylaw enforcement side as the licensing programs succeeded in increasing the amount of violations brought to the City's attention.

## *Enforcement of Licensing*

The two cases take different approaches to implementation. In both cases, the landlord can be assessed a fine for noncompliance with registration, but Montreal includes eligibility for the City's affordable housing renovation program as an incentive for registration. Montreal also lists clear pathways to rectifying the violations uncovered through this program, while Mississauga may still be too early in the pilot to have refined its approach.

# EQUITY CONSIDERATIONS

## *Power Imbalance*

Rental licensing begins to correct the power imbalance that commonly exists between tenant and landlord, by requiring rental units to pass annual inspections. Yet, the tool's full efficacy relies on an anonymous channel where tenants can complain if landlords are failing their TRPP commitments. This process may feel risky for the most precariously housed tenants (even if anonymous), and does require that tenants become familiar with their rights under their local TRPP bylaw.



## *Unlawful Tenancies*

A mandatory licensing system can pose risks to undocumented tenants who may be paying undeclared rent. If a landlord engaged in an unlawful rental is required to license their unit, they will have a choice between (a) evicting the undocumented tenant to become licensed or (b) refusing to apply for a license and continuing to operate unlawfully. In either case, TRPP protections fail to reach the tenant.



## *Rental Stock*

While one goal of rental licensing is to improve living conditions for tenants, there is a potential for this to decrease availability of affordable rental units. If a rental unit is affordable to tenants but in need of costly repairs, a landlord may elect to take the unit off the market rather than pay for the repairs. In BC, this would not be legal for units that are currently tenanted, but could impact units when they are between tenants.



# KEY FINDINGS: RENTAL LICENSING

- *This tool reflects an equitable tenant-first strategy that considers the safety and well-being of tenants.*
- *Determining the right punishments and incentives is essential to the success of this tool.*
- *Public awareness of the licensing system is key to its success.*

# IMPLEMENTATION

## *Regulatory structure*

Designate a body to keep records (such as a renters office) or create a new body. Create an account and mechanism to collect licensing fees.

## *Legal structure*

Landlords will be required by bylaw to register applicable rental units. The municipality may decide what makes a unit applicable.

## *Communications*

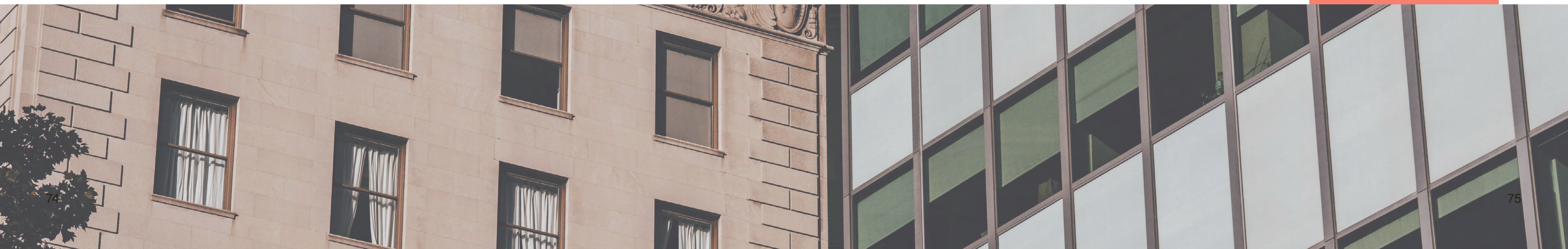
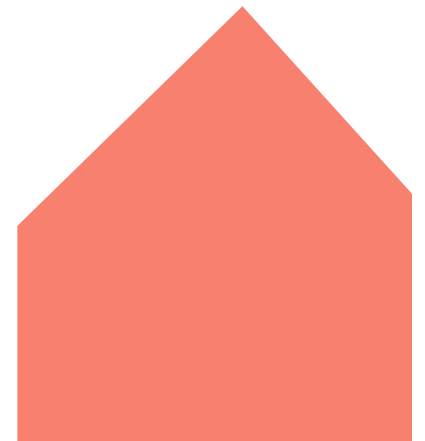
Widely announcing this project (online, press, direct mail) will ensure both landlords and tenants know licensing is a requirement. Open a channel for complaints from tenants to be fielded and passed on to compliance officers when needed. Determine what kind of complaints (beyond unregistered units) will be accepted.

## *Monitoring pilot program*

Transparently monitor and evaluate the number of units registered under the pilot and the number of complaints received, investigated, and resolved.

## *Bold moves*

Explore additional sources of funds to sustain the operation of the licensing program (eg. holding and collecting interest on damage or pet deposits).







# OVERLAY ZONES

**Current Applications**  
Overlay districts in Toronto  
Overlay zones in Cambridge, MA

A municipality creates a new micro-zoning distinction that is applied on top of an existing zone, with the intention of addressing gaps related to the enforcement of TRPPs. This over-laid zone can be applied at the building-level. It provides density bonuses for developers who designate new units as transitional housing for displaced tenants throughout the city.

## Key Findings from Current Applications

- Overlay zones should be designed at a range of sizes, and be used to address shortage of transitional housing for redevelopments
- More municipal labour is required to approve building-specific zones
- Municipalities must anticipate and proactively address displacement risks

## Enabling Conditions

- Flexibility within the current OCP and land-use frameworks
- A demand from developers for higher density
- Community openness to transitional housing within the area
- City staff have the capacity to review overlay zone applications

## Complementary Enforcement Tools



Rental  
licensing



Financial  
assurance

## Equity Considerations



Developers may be less inclined to pursue overlay distinction for affordable housing



Quality of transitional units may be low, due to less incentive to maintain units with short-term tenancy



Transitional housing must be integrated into broader housing strategy

## Implementation Requirements



# OVERLAY ZONES



Overlay zones, as the name would suggest, are micro-zoning districts layered on top of existing zoning districts with the purpose of filling specific 'gaps' in the existing bylaw.<sup>9</sup> The requirements determined by the new, overlaid zones do not conflict with the existing requirements, but are **used to target specific challenges** not addressed in the initial bylaw.

In the context of tenant protection in cases of forced relocation, overlay zones have been used to create additional, affordable housing in the form of rooming houses with the purpose of increasing available housing for displaced tenants. In other cases, where major development projects are expected to displace many tenants in the area, overlay zones have ensured that project approval is contingent on the adequate availability of alternative, affordable housing within close proximity.<sup>33</sup> Often, the approval of an overlay zone requested by a developer or landlord is dependent on the licensing of landlords and their compliance with augmented TRPPs.

While overlay zones may initially appear to be a TRPP themselves, they fall within the scope of enforcement tools for the purposes of this project. **The successful utilization of overlay zones enable landlords to follow through with their duty to help secure their tenants with suitable alternative housing**, ensure that redevelopment is not overstepping existing housing constraints, and place special attention on the needs of tenants within the area.

It is important to note that, while present in other Canadian provinces, overlay zoning is not a common practice within BC municipalities. This may be a result of overconfidence in the robustness of existing zoning bylaws, an inability to meet the financial or temporal demands of drafting new legislation, or the constraints placed on municipal action by competing interests.

## Enforcing Tenant Protections

SCARP — TRAC — Fair Housing Force

# OVERLAY DISTRICTS: CITY OF TORONTO

On January 1, 1998, Metropolitan Toronto and its six smaller municipalities merged into the single-tier City of Toronto through an act by the Government of Ontario.<sup>34</sup> Despite the potential fiscal and legislative advantages, this amalgamation presented considerable planning challenges, as each constituent municipality retained its unique zoning bylaws, complicating the implementation of cross-municipality projects and city-wide strategic plans.

## *Political Context*

In response to persistent planning issues post-amalgamation, the City of Toronto, in 2013, amended Section 34(19) of the Planning Act, introducing bylaw 569-2013. This bylaw aimed to harmonize zoning regulations from pre-amalgamation municipalities and introduced the concept of overlay districts. These districts took the form of micro-zones and had the flexibility to “alter, add, or remove some of the regulations affecting the use of land within an area.”<sup>35</sup> They could range from an entire neighborhood to a single building, allowing for specific changes to address localized issues. Widespread adoption of overlay districts became a strategic step toward integrating zoning systems and achieving standardized legislation across the entire city. Chapter 600 of bylaw 569-2013 outlined the general features of overlay districts, while chapter 995 specifically directed the initial application of overlay districts to address rooming houses—an issue with a tenuous history within the City.

The “Commonsense Revolution” of 1995, following the election victory of the Ontario Conservatives, marked a transformative period characterized by the cancellation of social housing



initiatives, welfare rate reductions, and revisions to rent controls and landlord-tenant laws. These changes had immediate and drastic effects on low-income renters, particularly in cases of forced relocation due to redevelopment, contributing to an increase in homelessness across all six constituent municipalities.<sup>36 37</sup>

In response, throughout the late 90's and early 2000's, various human rights and housing advocacy organizations spoke on the need for the development and licensing of rooming houses<sup>38</sup> — units where four or more individuals rent rooms and share communal kitchen and/or washroom facilities.

## *Overlay Zoning Proposal*

The City's position on rooming houses shifted in the 2000s as homelessness surged to an unsustainable level. Political will to establish and license rooming houses grew, and in December 2009, the City released the “Approach for Proposed Zoning Regulations for Rooming Houses”.

The proposal lays out a plan to maximize the number of rooming houses and avoid driving up rents by using the size and configuration of each building, rather than the ward-wide zoning designation, to determine the maximum number of bedrooms permitted. This radical idea opened up opportunities for development projects across all six former municipalities, regardless of the persisting zoning bylaws. The proposal faced conservative backlash, but came into effect as a part of bylaw 569-2013.

## *New Possibilities*

Since the introduction of overlay districts, the number of rooming houses across the city has increased dramatically, with a negatively corresponding rate of homelessness resulting from forced relocation. Additionally, individual property owners can apply to have an overlay district designation to be applied to their building, so long as they register with the city. This registration system allows for the City to monitor the quality of housing and ensures that landlords respect the needs and rights of tenants.

The use of overlay districts has since been applied to lot coverage regulations and maximum height restrictions across the entire city, with some overlay districts bridging the former borders between Scarborough and East York, Etobicoke and Old Toronto, and North York and York.



# CAMBRIDGE, MA OVERLAY ZONES

In 2017, discussions with the City Council and Housing Committee in Cambridge, Massachusetts laid the groundwork for the “100%-Affordable Housing” Zoning Overlay (AHO).<sup>39</sup> The AHO aimed to streamline the process for affordable housing developers, enabling them to efficiently and cost-effectively create new affordable units, especially in areas where such housing options were limited for residents.

The proposal specified the target demographic for AHO benefits: low-income residents, defined as those earning approximately \$54,800 (or \$63,450), constituting 80% of the Area Median Income (AMI) for a single person. Its goal was for a minimum of 80% of the new units’ initial occupants to fall within or below the 80% AMI threshold (corresponding to an annual individual salary of \$54,800 or less).<sup>40</sup>

The motivation for the AHO stemmed from the realization that affordable housing developers in Cambridge were facing challenges competing with market-rate developers, who could outbid them for land and buildings. The Planning Board identified zones in the city where zoning constraints made the creation of new affordable housing impractical.<sup>41</sup> By allowing affordable housing providers to build more densely than market-rate developers and streamlining the approval process for 100%-affordable housing projects, the City could support the swift creation of new units. Between late 2018 and early 2019, staff consulted with Council and community members to develop the concept.



Approved in October 2020, the AHO does the following:

1. Permits the construction of new, permanently affordable housing at a higher density than the base zoning would typically allow.
2. Introduces a new review process that facilitates more efficient approval of new affordable housing projects.
3. Adopts a form-based approach, regulating height and scale (number of stories) without imposing density or FAR limitations.<sup>41</sup> In cases where less parking is provided than required, offers residents the choice of a complimentary annual bike-sharing membership or a discounted transit pass.<sup>43</sup>

In October 2023, the City Council voted to amend the AHO, allowing taller heights for affordable housing developments in higher-density zoning districts, major squares, and mixed-use corridors, as well as reducing required setbacks citywide. They also amended the AHO to be in accordance with the Cambridge Growth Policy Document, “Towards a Sustainable Future,”<sup>42</sup> specifically:

**Growth Policy #13** A pace of development or redevelopment should be encouraged that permits the maintenance of a healthy tax base, allows for adjustment and adaptation to changing economic conditions, and is consistent with the City’s urban design and other physical development objectives

**Growth Policy #27** Where possible, construct new affordable housing that fits neighborhood character. In existing residential neighborhoods housing should be built at scale, density, and character consistent with existing development patterns.

The incorporation of Growth Policy #27 has generated recent criticisms, contending that the insistence on aligning new affordable housing developments with the scale, density, and character of their neighborhoods contradicts the intended purpose of the AHO. Furthermore, some critics highlight the existing disparity between market rents and affordable rents in Cambridge, arguing that the cost reductions facilitated by the AHO may not be compelling enough to attract non-subsidized capital for building affordable housing.<sup>43</sup>

Despite these concerns, a consensus among both supporters and detractors is emerging. Many believe that **the AHO has the potential to enhance the capacity for affordable development.** This improvement could enable developers to extend subsidies across more units, enhancing their competitiveness in land acquisitions. While acknowledging the criticisms, the prevailing sentiment is that the AHO, if properly implemented, could be a pivotal tool in expanding affordable housing opportunities in the city.

# APPLICATION ANALYSIS

## *Implementation Approach and Housing Types*

Comparing the municipal contexts of Toronto and Cambridge reveals both similarities and differences in their approaches to housing development through overlay zones. Both cities utilize overlay zones to address housing challenges, with Toronto focusing on the redevelopment of existing properties, particularly rooming houses, while Cambridge facilitates new developments through its Affordable Housing Overlay (AHO) policy. Despite these differences in focus, the overarching goal remains consistent: to create affordable housing units. While Toronto adapts to the existing housing landscape, Cambridge seeks to shape new developments, reflecting distinct strategies to address similar housing challenges.

## *Incentives and Enforcement*

Both Toronto and Cambridge incentivize developers and landlords to participate in their overlay zone policies, and pursue the goal of encouraging participation and proliferation of targeted housing programs, though through different mechanisms. In Toronto, landlords are incentivized to increase tenancy by allowing additional tenants, contingent upon licensing with the City, while Cambridge provides financial benefits to developers through the AHO.

## *Affordability and Rent Control*

Differences emerge in the incorporation of rent-control practices within Toronto and Cambridge's overlay zone policies. While Cambridge's AHO includes rent-control provisions, ensuring long-term affordability, Toronto's rooming house overlay zones lack specified rent ceilings. This difference reflects varying perspectives on the necessity of rent control measures to maintain affordability amidst fluctuating housing markets. Nonetheless, both cities aim to address affordability challenges through their overlay zone policies, albeit with differing approaches.

## *Neighborhood Character and Densification*

Both cities grappled with balancing the need for affordable housing with considerations of neighborhood character, though this is reflected through distinct approaches. Toronto and Cambridge diverge in their requirements regarding neighborhood character within their overlay zone policies, impacting densification and housing development. Cambridge's AHO mandates that new developments fit within existing neighborhood character, aiming to balance affordability with preserving local aesthetics. In contrast, Toronto's overlay zones do not impose such specifications, potentially allowing for greater flexibility in housing development.

## *Displacement and Tenant Protection*

Concerns regarding displacement of tenants due to redevelopment are evident in both Toronto and Cambridge's overlay zone policies, albeit with differing implications. Toronto's rooming house overlay zones may lead to increased displacement due to the concentration of low-income renters within these properties. In contrast, Cambridge's AHO typically results in one-to-one unit development, potentially mitigating displacement effects. Despite the shared concern for tenant protection, the approaches to addressing displacement reflect differing strategies and priorities between the two cities.



# EQUITY CONSIDERATIONS

The implementation of overlay zones which intend to create additional transitional housing for displaced tenants presents notable equity concerns.

## *Low-Income Neighbourhoods*

There is apprehension regarding the return on investment for affordable housing, potentially dissuading developers from pursuing the overlay distinction in neighborhoods characterized by affordability or low-income demographics. This could exacerbate housing disparities, as marginalized communities might miss out on the benefits of increased housing density.



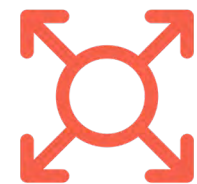
## *Unit Quality*

There is a risk that the quality of transitional units may suffer, as landlords may have less incentive to maintain standards in units with short-term tenancy. This could result in subpar living conditions for vulnerable populations, further marginalizing them within the housing market.



## *Long-Term Solutions*

Particularly if they are not adequately funded or integrated into broader housing strategies, there may be concerns about the long-term sustainability of transitional housing solutions. Without ongoing support and investment, these units may fail to



# KEY FINDINGS: OVERLAY ZONES

→ *In order to normalize their effects, overlay zones should be designed at a range of sizes. The smaller the zone, the less resistance it will face and the higher the chances of proliferation. This does have the entailing result that;*

→ *More municipal labour is required to approve building-specific zones. To make this a feasible and worthwhile endeavour for municipalities;*

→ *Overlay zones should be used to address intense and widespread challenges to enforcing TRPPs. In looking to address these challenges;*

→ *Municipalities must anticipate the resulting effects on renters, and proactively address.*

# IMPLEMENTATION

## *Motion for New Zone*

City staff initiate a motion to create a new zoning designation incentivizing the creation of transitional housing for tenants displaced by redevelopment. The motion proposes offering density bonuses to developers in exchange for allocating a portion of their projects to transitional units, and it highlights the potential benefits of this approach, including increased housing affordability and stability for displaced residents. Following deliberation and review, City Council votes to pass the motion.

## *Determining Density Bonusing Ratio*

Engaging with housing experts, developers, and other relevant parties will allow the City to determine the appropriate ratio of bonus density to transitional housing units. This collaborative process involves analyzing market conditions, assessing housing needs, and considering best practices from other jurisdictions.

## *Overlay Zone Enacted*

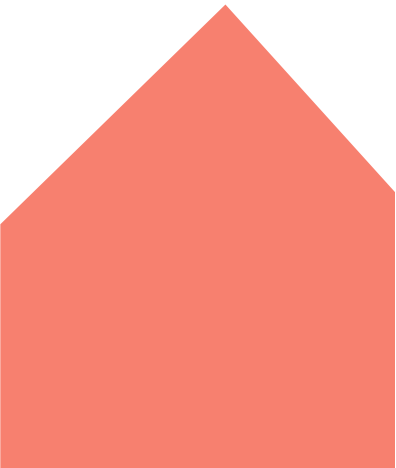
With the ratio of density bonuses to transitional units established, the city enacts the new overlay zone through legislative measures.

## *Administration*


As the zone is enacted, the city creates a desk dedicated to receive zoning applications from developers interested in participating in the program. This streamlined process ensures transparency and efficiency in the implementation of the new zoning designation.

## *Transitional Unit Database*


Granting developers and TRCs access to a comprehensive database of available transitional units will increase the impact of the new zone. This database would include information on unit availability, location, amenities, and eligibility criteria, helping developers identify suitable transitional housing options for their redevelopment projects.







# **PART 3: LOOKING FORWARD**



# BOLD MOVES

The purpose of this catalogue is to provide pathways through which municipalities can better enforce their TRPPs. While we are confident in the solutions we have presented, we do not mean to suggest that the six tools included exhaust all opportunities to protect tenants during relocation. Legal and market contexts differ greatly between municipalities, and present opportunities to put in place bold enforcement measures that are not presently possible in other regions.

## Maximizing Municipal Reach

**One such bold step would be to implement a centralized system managed by municipalities in which all damage and pet deposits required from tenants are, instead, paid to the municipality.** The municipality would establish dedicated accounts, securely holding these funds while accruing interest over the duration of the tenancy. When a tenant vacates a property, the municipality would promptly assess any damages or outstanding obligations. The deposit would then be released to the appropriate party - either returning it to the tenant or disbursing it to the landlord to cover legitimate damages.

Through this system, disputes between tenants and landlords regarding deposit refunds or deductions would be mediated by the municipality, leveraging standardized guidelines and procedures. This would alleviate the burden on tenants, who often face challenges in recovering their deposits from uncooperative landlords. The system would be self-sustaining as the interest generated over the tenancy term would be utilized to cover the administrative costs of the program, ensuring sustainability and minimal burden on taxpayers. This bold step would nicely complement a rental licensing scheme, as municipalities would be aware of all rental units and tenancies throughout the city.

**Another viable bold step would be to instigate a government-led TRC licensing system, which would allow for the standardization of TRC knowledge and approaches.** Such a program would ensure standardized high-level TRC competence and quality of care for tenants, while making it easier for those wanting to work with tenants to gain meaningful work. In doing so, municipalities would address the current lack of TRCs available in the province, benefitting both themselves and tenants more

broadly. Qualified and available TRCs are essential to enforcing the TRPPs of all municipalities, and a TRC licensing system is one bold way to ensure their involvement in redevelopment processes.

## Beyond TRPPs: The Human Right to Housing

And yet, while this catalogue speaks to the critical need to enforce TRPPs, it would be a disservice to tenants throughout the province to act as if TRPPs fully capture their needs and basic rights. To speak about the ongoing housing crisis as if it is an interruption to an otherwise healthy system would ignore the reality that we are merely witnessing a step-change in the structural violence inherent to our housing markets.

The ‘crisis’ is driven by racial capitalist and settler colonial logics which determine who is deserving of housing security and who is not. As such, the housing precarity experienced by a majority of BC residents should not be seen as a disruption to the system but rather the intended end.

**A true tenant-first approach demands that we reconsider these basic relations.** We must recognize housing as the connective tissue of communities, in which no life is seen as disposable. Municipalities must take up a view of housing as shared social space rather than fungible assets, as a collective good rather than a mechanism for private accumulation. This requires that all levels of government provide the necessary social support for homeowners who currently rely on the appreciation of land value to cover the costs of life in retirement. It requires a bottom-up rather than a trickle-down approach. Most importantly, it requires that **governments prioritize human life over monetary gain.** We can put in place as many TRPPs as we want, but unless we change our fundamental relationships with housing and people, tenants will continue to be overlooked, undervalued, and at risk of

*Housing is a precondition for flourishing private and social lives; it organizes how people give and receive the care that is necessary for a minimally-decent human life.*

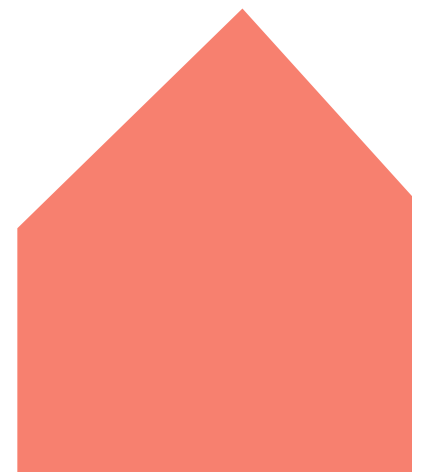


# A TENANT-FIRST FUTURE

This report has identified an array of tools that municipalities can explore to better enforce TRPP compliance, ranging from widely tested TRPP complements to bolder ideas requiring new administrative infrastructure. It is our hope that municipalities will explore and employ additional tools to support their current TRPP enforcement efforts. However, to truly ensure tenants rights at all stages of the redevelopment process, an even greater shift is needed.

Enforcement of current TRPP protections cannot be the end goal. Municipalities must take a tenant-first approach to both improving TRPP enforcement and strengthening TRPP commitments. Tenants need TRPPs to be more widely applicable among building sizes, rental types, and tenure lengths. They need rent supports that last longer and realistically consider the high costs of moving and settling into a new home. They also need higher transparency – to have less labour required from tenants and more proactive guidance provided.

While these attitudinal shifts must be realized in the form of municipal requirements, a full shift will bring developers along as well. Joint policy and advocacy action can seek to instill in developers a tenant-first mindset so that TRPP commitments become part of a project's value calculation for a project, not just its financial calculation. **To truly realize access to housing as a human right, governments and private developers must work together to protect our existing rental stock, increase our stock of affordable housing, and eliminate the inequitable balance of power between tenants and landlords.**





# SOURCES

1. Buckman, R., Edwards, S., & Parent, M. (2023). (rep.). Strengthening Tenant Protections in Redevelopment. School of Community and Regional Planning, University of British Columbia.
2. Xuereb, X. and Jones, C. (2023). Estimating No-Fault Evictions in Canada: Understanding BC's disproportionate eviction rate in the 2021 Canadian Housing Survey. Balanced Supply of Housing Research Partnership. <https://housingresearch.ubc.ca/sites/default/files/2023-05/estimating-no-fault-evictions-in-canada-0.pdf>
3. First United. (2023). (rep.). BC's Eviction Crisis: Evidence, Impacts and Solutions for Justice. <https://admin.firstunited.ca/app/uploads/2023/11/First-United-BCs-Eviction-Crisis-Evidence-Impacts-and-Solutions-for-Justice.pdf>
4. City of Coquitlam. (2019). City Centre Area Plan Update: Population Growth Background Paper. <https://www.coquitlam.ca/DocumentCenter/View/683/03-2019-Population-Growth-Background-Paper-PDF#:~:text=Coquitlam%20is%20expected%20to%20grow,the%20next%20Census%20in%202021>
5. Cleugh, J. (2021). Coquitlam tightens rules to protect renters during the housing crisis. Tricity News.
6. City of Coquitlam. (2015). Housing Affordability Strategy. <https://www.coquitlam.ca/DocumentCenter/View/416/2015-Housing-Affordability-Strategy-PDF>
7. Statistics Canada. (2023). Vancouver [Census metropolitan area], British Columbia and British Columbia [Province] (table). Census Profile. 2021 Census. Statistics Canada Catalogue no. 98-316-X2021001. Ottawa. Released November 15, 2023
8. Greenberg, D., Gershenson, C., & Desmond, M. (2016). Discrimination in evictions: empirical evidence and legal challenges. *Harvard Civil Rights-Civil Liberties Law Review*, 51(1), 115-158.
9. Heffley, D. (1998). Landlords, tenants and the public sector in a spatial equilibrium model of rent control. *Regional Science and Urban Economics*, 28(6), 745-772. [https://doi.org/10.1016/s0166-0462\(98\)00020-9](https://doi.org/10.1016/s0166-0462(98)00020-9)
10. Kwan, J. (2003, June 16). California non-profit organizers to discuss landlord-tenant mediation. Knight Ridder Tribune Business News.
11. Pull, E., Baeten, G., Dikec, M., Lasse, K., Simonsen, K., & Polanska, D. (2020). The original sin on displacement through renoviction in Sweden (dissertation). Malmö University & Roskilde University, Malmö.
12. Gold, K. (2022). Controversial Broadway plan raises concern among housing experts. Storeys. <https://storeys.com/controversial-broadway-plan-concern-housing-experts/#:~:text=The%20plan%20would%20allow%20for,renter%20neighbourhoods%20will%20be%20destroyed.>
13. City of Vancouver. (2022). Broadway Plan. <https://guidelines.vancouver.ca/policy-plan-broadway.pdf>
14. Statistics Canada. (2017). Vancouver [Census metropolitan area], British Columbia and British Columbia [Province] (table). Census Profile. 2016 Census. Statistics Canada Catalogue no. 98-316-X2016001. Ottawa. Released November 29, 2017.
15. Government of British Columbia. (2019), BC Assessment, Annual Service Plan Report. <https://www.bcbudget.gov.bc.ca/Annual-Reports/2018-2019/pdf/agency/bcaa.pdf>
16. City of Vancouver. (2019). Broadway Plan Area Profile 2019. <https://vancouver.ca/files/cov/broadway-plan-area-profile.pdf>
17. Mah, J. (2021). Evictions in toronto: governance challenges and the need for intergovernmental cooperation. *IMFG Perspectives*, 23.
18. City of Burnaby. (2022). Tenant Assistance Policy. <https://www.burnaby.ca/sites/default/files/acquiadam/2021-07/Tenant-Assistance-Policy.pdf>
19. Happy Cities. (2023). Resident Relocation Best Practices: Six Well-being Elements to Consider. <https://brightsidehomes.ca/resident-relocation-best-practices/>
20. City of Burnaby. (2021). Housing Needs Report. <https://www.burnaby.ca/sites/default/files/acquiadam/2021-07/Housing%20Needs%20Report.pdf>
21. City of Burnaby. (2020). Rental Use Zoning Policy. <https://pub-burnaby.escribemeetings.com/filestream.ashx?DocumentId=46009>
22. City of Burnaby. (2023). Tenant Assistance Policy. <https://www.burnaby.ca/sites/default/files/acquiadam/2022-11/Tenant-Assistance-Policy.pdf>
23. Southern California Association of Governments. (2021). Local Housing Data, 6th Cycle Housing Element Update. <https://www.santamonica.gov/press/2024/01/24/council-approves-added-renter-protections-to-combat-rising-evictions>
24. Santa Monica. (2024). Housing Element Update (2021 to 2029) Regional Housing Needs Allocation. <https://www.santamonica.gov/housing-element-update-rhna>
25. City of Santa Monica (2024). Code of Ordinances. Public Welfare, Morals and Policy. Chapter 4.36 Tenant Relocation Assistance. <https://ecode360.com/42727580?highlight=permanent,tenant,tenants&searchId=16180052417486672>
26. City of Burnaby. (2023). Tenant Assistance Policy Implementation Guide. <https://www.burnaby.ca/sites/default/files/acquiadam/2022-10/Tenant-Assistance-Policy-Implementation-Guide.pdf>
27. Mallach, A. (2015). (rep.). Raising the Bar: Linking Landlord Incentives and Regulation through Rental Licensing – A Short Guide for Local Officials



28. City of Mississauga. (2010). The Corporation of the City of Mississauga Residential Rental Accommodation Licensing - Bylaw no.172-10. <https://www.mississauga.ca/file/COM/residentialrentals.pdf>

29. Ontario Landlords Association. (2014, October 10). City of Mississauga and landlord licensing "ontario landlords association. <https://ontariolandlords.org/blog/city-of-mississauga-and-landlord-licensing/>

30. Advocacy Centre for Tenants Ontario. (2022, January 18). City of Mississauga Pilots New Rental Licensing Program. ACTO. <https://www.acto.ca/city-of-mississauga-pilots-new-rental-licensing-program/>

31. Peacock, P. (2024, January 5). MARC program not meeting the Mark; Mississauga approves motion to increase accountability of landlords. The Pointer. <https://thepointer.com/article/2024-01-05/marc-program-not-meeting-the-mark-mississauga-approves-motion-to-increase-accountability-of-landlords#:~:text=In%20November%202021%2C%20City%20Council,then%20launched%20in%20July%202022>

32. Acorn Canada. (2022, December 6). FAQs about landlord licensing in the HRM. ACORN Canada. <https://acorncanada.org/news/faqs-about-landlord-licensing-in-the-hrm/>

33. Kolodney, L. K. (1991). Eviction free zones: the economics of legal bricolage in the fight against displacement. Fordham Urban Law Journal, 18(3), 507-544.

34. Chidley, J. (2007, September). Toronto's Struggle Against Amalgamation. Toronto's struggle against amalgamation. <https://web.archive.org/web/20070930050218/http://thecanadianencyclopedia.com/index.cfm?PgNm=TCE&Params=M1ARTM0011182>

35. City of Toronto. (2013). City of Toronto Zoning Bylaw no.569-2013. Volume 1 of Schedule "A" of By-law No. 569-2013. <https://www.toronto.ca/legdocs/bylaws/2013/law0569-schedule-a-vol1-ch1-800.pdf>

36. Ontario Federation of Labour. (1999). 1999 Election Edition: The Common Sense Revolution: 1460 Days of Destruction. <https://ofl.ca/wp-content/uploads/1999.01.01-Factsheets-Election-FightBack.pdf>

37. Public Housing Fightback Campaign. (2000). Toronto Report Card on Homelessness 2000. <https://www.toronto.ca/legdocs/2000/agendas/council/cc/cc000229/cms2rpt/cl002.pdf>

38. Calhoun Research and Development. (2011). Good Practices for Rooming Houses: A research project carried out for the Homelessness Partnership Strategy Homelessness Knowledge Development Human Resources and Skills Development Canada. <https://homelesshub.ca/sites/default/files/attachments/Good%20Practices%20in%20Rooming%20Houses-Calhoun%20R%26D-mar2011.pdf>

39. Cotter, C. (2019, June 11). Citywide 100%-Affordable Housing Zoning Overlay. Zoning Overlay District Overview. <https://forum.openwrt.org/t/overlay-100-used-and-doesnt-show-less-usage-after-deleting-files-from-tmp/38615>

40. City of Cambridge. (2020, July). 100%-affordable housing zoning overlay. 100%-Affordable Housing Zoning Overlay - CDD - City of Cambridge, Massachusetts. <https://www.cambridgema.gov/CDD/Projects/Housing/affordablehousingoverlay#:~:text=The%20goal%20of%20the%20100,affordable%20housing%20options%20for%20residents.>

41. City of Cambridge. (2023). Zoning Ordinance 11.000 - Special Ordinances - 11.200 Incentive Zoning and Inclusionary Zoning. <https://library.municode.com/ma/cambridge/codes/zoning-ordinance?nodeId=ZONING-ORDINANCE-ART11.000SPRE-11.200INZOINHO>

42. Planning Board, City of Cambridge. (2007). Toward a sustainable future - cambridge growth policy - Update 2007. <https://www.cambridgema.gov/-/media/Files/CDD/Planning/GrowthPolicy/growth-policy-2007.pdf>

43. Gibbs, A. (2021, June 30). What can we expect from Cambridge's new affordable housing overlay? What Can We Expect from Cambridge's New Affordable Housing Overlay? <https://www.jchs.harvard.edu/blog/what-can-we-expect-cambridges-new-affordable-housing-overlay>

## Additional Sources

1. Chisholm, E., Howden-Chapman, P., & Fougere, G. (2018). Tenants' responses to substandard housing: Hidden and invisible power and the failure of Rental Housing Regulation. Housing, Theory and Society, 37(2), 139–161. <https://doi.org/10.1080/14036096.2018.1538019>

2. City of Burnaby. (2024). Corporate Policy. Letters of Credit. <https://policy.vancouver.ca/AF00202.pdf>

3. City of Santa Monica. (2024). Council approves added renter protections to combat rising evictions. <https://www.santamonica.gov/press/2024/01/24/council-approves-added-renter-protections-to-combat-rising-evictions>

4. Desmond, M., Gershenson, C., & Kiviat, B. (2015). Forced relocation and residential instability among urban renters. Social Service Review, 89(2), 227–262. <https://doi.org/10.1086/681091>

5. European Union. (2015). (rep.). Tenancy Law and Housing Policy in Multilevel Europe.

6. Infranca, J. (2019). The new state zoning: land use preemption amid housing crisis. Boston College Law Review, 60(3), 823-888.

7. Jones, G. A. (2015). Perspectives of landlords and agents on landlord accreditation in Wales. International Journal of Housing Markets and Analysis, 8(2), 223–238. <https://doi.org/10.1108/ijhma-06-2014-0017>

8. Kolodney, L. K. (1991). Eviction free zones: the economics of legal bricolage in the fight against displacement. Fordham Urban Law Journal, 18(3), 507-544.

9. Korthals Altes, W. K. (2016). Forced relocation and tenancy law in Europe. *Cities*, 52, 79–85. <https://doi.org/10.1016/j.cities.2015.11.020>

10. Lima, V. (2020). The financialization of rental housing: Evictions and rent regulation. *Cities*, 105, 102787. <https://doi.org/10.1016/j.cities.2020.102787>

11. Lindsey, L. A. (2010). Protecting the good-faith tenant: enforcing retaliatory eviction laws by broadening the residential tenant’s options in summary eviction courts. *Oklahoma Law Review*, 63(1), 101-144.

12. Manheim, K. (1989). Tenant eviction protection and the takings clause. *Wisconsin Law Review*, 1989(5), 925-1020.

13. Marcuse, P. (1984). To control gentrification: anti-displacement zoning and planning for stable residential districts. *New York University Review of Law & Social Change*, 13(4), 931-952.

14. Mubiru, M., & Naturinda, C. (2021). Tenants’ Experiences Regarding Satisfaction with Existing Complaints Handling Mechanisms in Landlord Managed Apartments in Kampala. *Asian Journal of Science and Technology*, 2(7).

15. Raymond, E. L., Green, T., & Kaminski, M. (2021). Preventing evictions after disasters: The role of landlord-tenant law. *Housing Policy Debate*, 32(1), 35–51. <https://doi.org/10.1080/10511482.2021.1931929>

16. Samuel, A., & Schwartz, J. (2023). Going underground: The impact of deterrence on the landlords’ decision to operate informally. *Applied Economics*, 1–18. <https://doi.org/10.1080/00036846.2023.2169244>

17. Southern California Association of Governments. (2021). Local Housing Data, 6th Cycle Housing Element Update. <https://www.santamonica.gov/press/2024/01/24/council-approves-added-renter-protections-to-combat-rising-evictions>

18. Tyekela, Y. N. (2018). Mitigation of displacement through rent control policy (dissertation).

# APPENDIX

## NOTES

- \* The Broadway Plan also introduced what can be considered a weak, or quasi-enforcement tool. The plan articulates a general commitment to further educate tenants and landlords about their rights and responsibilities, with specific focus on the needs of equity-denied groups (e.g. youth, 2SLGBTQQIA+ people, racialized people, Indigenous people, and sex workers), who face stigma and discrimination when accessing and maintaining housing.
- \*\* The City plans to launch the Burnaby Housing Authority (BHA) to oversee the development of new housing and operations with non-profit housing organizations and other government agencies. This will enable the city to channel efforts toward the implementation of purpose-built rental and affordable housing through an autonomous board of directors. Our team anticipates that a BHA may offer greater stability and enhanced long-term planning of Burnaby’s housing policies and strengthened tenant protection measures through increased capacity for monitoring and evaluation.
- \*\*\* The Vancouver Broadway Plan TRPP is the only other TRPP that offers this type of robust top-up scheme, but it lacks a bonding requirement.w