

AGENDA

COUNCIL WORKSHOP

Tuesday, December 5, 2017

5:00 p.m.

Committee Room, Municipal Hall

355 West Queens Road,

North Vancouver, BC

Council Members:

Mayor Richard Walton

Councillor Roger Bassam

Councillor Mathew Bond

Councillor Jim Hanson

Councillor Robin Hicks

Councillor Doug MacKay-Dunn

Councillor Lisa Muri



NORTH VANCOUVER
DISTRICT

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COUNCIL WORKSHOP

5:00 p.m.
Tuesday, December 5, 2017
Committee Room, Municipal Hall,
355 West Queens Road, North Vancouver

AGENDA

1. ADOPTION OF THE AGENDA

1.1. December 5, 2017 Council Workshop Agenda

Recommendation:

THAT the agenda for the December 5, 2017 Council Workshop is adopted as circulated, including the addition of any items listed in the agenda addendum.

2. ADOPTION OF MINUTES

3. REPORTS FROM COUNCIL OR STAFF

3.1. Regulating Pets in Residences p. 7-9

File No. 10.5040.20/019.000

Recommendation:

THAT the November 23, 2017 report from the Community Planner entitled Regulating Pets in Residences be received for information.

3.2. Residential Tenant Relocation Assistance Policy – Proposed Amendments p. 11-20

File No. 13.6480.30/003.000

Recommendation:

THAT the November 23, 2017 report from the Senior Planner entitled Residential Tenant Relocation Assistance Policy – Proposed Amendments be received for information;

AND THAT the amended *Residential Tenant Relocation Assistance Policy* be referred to a Regular Meeting of Council for consideration of approval.

3.3. Landlord BC 'I Rent it Right' Certification p. 21-23

File No. 13.6480.30/000.000

Recommendation:

THAT the November 23, 2017 report from the General Manager – Planning, Properties & Permits entitled Landlord BC 'I Rent it Right' Certification be received for information.

3.4. Prioritized Multi-Family Sales to North Vancouver Residents
File No. 13.6480.00/000.000

p. 25-28

Recommendation:

THAT staff be directed to discuss with developers opportunities to voluntarily prioritize the marketing and sale of new multi-family residential developments to North Shore residents.

3.5. Housing Continuum
File No.

Materials to be circulated via agenda addendum.

4. PUBLIC INPUT

(maximum of ten minutes total)

5. ADJOURNMENT

Recommendation:

THAT the December 5, 2017 Council Workshop is adjourned.

REPORTS

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AGENDA INFORMATION	
<input checked="" type="checkbox"/> Council Workshop	Date: <u>December 5, 2017</u>
<input type="checkbox"/> Finance & Audit	Date: _____
<input type="checkbox"/> Advisory Oversight	Date: _____
<input type="checkbox"/> Other:	Date: _____



The District of North Vancouver REPORT TO COMMITTEE

November 23, 2017
File: 10.5040.20/019.000

AUTHOR: Angele Clarke, Community Planner

SUBJECT: Regulating Pets in Residences

RECOMMENDATION:

THAT the November 23, 2017, report from the Community Planner entitled Regulating Pets in Residences be received for information.

SUMMARY:

The BC government regulates the powers of landlords and strata corporations through the *Residential Tenancy Act* and the *BC Strata Property Act*. Municipal governments in British Columbia do not have jurisdiction to regulate pets in residences.

BACKGROUND:

With historically low vacancy rates, some residents are finding it difficult when looking for rental options that allow them to keep pets such as cats or dogs (pets). Council has expressed an interest in understanding the municipal role in encouraging, or regulating pets in residences.

EXISTING POLICY:

The District does not have existing policy allowing or disallowing the keeping of pets in residential properties. The District does have the following, related bylaws; Bee Keeping Bylaw, Dog Tax and Regulation Bylaw, Keep of Domestic Hens Bylaw, Keeping of Pigeons Bylaw, Keeping of Horses Bylaw, and Zoning Bylaw.

Pet Concerns in the Media

Some recent media articles note that Metro Vancouver citizens with pets have few rental housing options. A primary reason some landlords are hesitant to allow pets on their residential properties is the risk of potential damage to property. The *Residential Tenancy Act* sets the maximum pet damage deposit amount at half of one-month's rent. Some landlords are concerned that damages to their property may be in excess of the maximum pet damage deposit.

In 2013 the City of Vancouver's Rental Advisory Committee conducted a review of whether or not the City could regulate the allowance of pets in rental accommodations. The result showed that, because the *Residential Tenancy Act* is provincial Legislation, the municipality cannot require landlords to allow pets on their property. In response similar concerns, in February 2017, City of Victoria residents called on Victoria City Council to write letters to the Ministry of Housing to invalidate rental agreement clauses that prohibit pets.

The Province of British Columbia regulates the keeping of pets through the *Residential Tenancy Act*. Section 18 of the Act states that a tenancy agreement may include terms or conditions prohibiting pets, or restricting the size, kind or number of pets a tenant may keep on the residential property, and also terms and conditions governing a tenant's obligations in respect to keeping a pet on the residential property. The exception to this rule is in the case of an animal that is a guide or service dog, subject to the regulations outlined in the *Guide Dog and Service Dog Act*.

In addition, strata corporations may restrict the number and type of pets. Many strata corporations use the standard bylaw set out in section 123 of the *Strata Property Act*. The standard bylaw limits the number of pets per tenant. This includes a maximum of one cat or one dog, up to two caged birds, and a reasonable number of fish, small aquarium animals, or small caged mammals. The standard bylaw can be amended or repealed by a strata by adopting a bylaw, and filing that bylaw in the Land Title Office.

ANALYSIS:

BC municipal governments do not have jurisdiction to regulate residential tenancy agreements regarding pets or otherwise.

Other Jurisdictions

Ontario's Residential Tenancies Act (2006) has a provision that disallows landlords from prohibiting pets (17.14). The only exception where pets are not allowed in residences in Ontario is if a *Condominium Declaration* prohibits pets, as per the *Ontario Condominium Act* (1998).

The government of Manitoba prints and distributes Renting to Pet Owners: A Guide for Landlords that contain suggestions for landlords who want to allow tenants with pets into their rental units.

CONCLUSION:

In BC, the discretionary power to allow /disallow pets in residential buildings falls to landlords and strata corporations. Therefore, the District does not have jurisdiction to regulate the allowance or disallowance of pets in residential properties.

Respectfully submitted,




Angele Clarke, Community Planner
Community Planning



REVIEWED WITH:		
<input type="checkbox"/> Sustainable Community Dev.	<input type="checkbox"/> Clerk's Office	External Agencies:
<input type="checkbox"/> Development Services	<input type="checkbox"/> Communications	<input type="checkbox"/> Library Board
<input type="checkbox"/> Utilities	<input type="checkbox"/> Finance	<input type="checkbox"/> NS Health
<input type="checkbox"/> Engineering Operations	<input type="checkbox"/> Fire Services	<input type="checkbox"/> RCMP
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<input type="checkbox"/> Human Resources	<input type="checkbox"/> Real Estate	

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AGENDA INFORMATION	
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TL Dept. Manager	DM GM/ Director	 CAO
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The District of North Vancouver REPORT TO COMMITTEE

November 23, 2017
File: 13.6480.30/003

AUTHOR: Karen Rendek, Senior Planner

SUBJECT: Residential Tenant Relocation Assistance Policy - Proposed Amendments

RECOMMENDATION:

THAT the November 23, 2017 report from the Senior Planner, entitled Residential Tenant Relocation Assistance Policy - Proposed Amendments be received for information; and

THAT the Committee refer the amended *Residential Tenant Relocation Assistance Policy* to a Regular Meeting of Council for consideration of approval.

REASON FOR REPORT:

This report responds to Council's questions of whether or not it is possible to extend residential tenant assistance measures to other forms of rental housing beyond that which is currently covered by policy; existing purpose-built rental buildings being rezoned for redevelopment (*Residential Tenant Relocation Assistance Policy*, Attachment 1).

SUMMARY:

Council approved the *Residential Tenant Relocation Assistance Policy* on November 28, 2016 in order to provide enhanced notice and assistance to current tenants of existing purpose-built rental buildings being rezoned for redevelopment and to enable tenants to find suitable alternate accommodation. Council recognizes that older purpose-built rental buildings are an important stock of lower end of market housing for many District residents and that low rental vacancy rates (<0.5%) create challenges for tenants being displaced by redevelopment of older buildings. Since approval of this Policy, questions have been raised by Council regarding whether or not residential tenant assistance measures should be provided for tenants of other forms of rental housing undergoing redevelopment, beyond just existing purpose-built rental buildings.

This report responds to these questions and lays out potential options for amending the current Policy to include tenants of other forms of rental housing, regardless of tenure (Attachment 2).

**SUBJECT: Residential Tenant Relocation Assistance Policy - Proposed
Amendments**

November 23, 2017

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BACKGROUND AND EXISTING POLICY:

Two Council Workshops were held on March 7, 2016 and May 3, 2016 to review information on other local government approaches to tenant assistance programs and to provide input to staff for finalizing the *Residential Tenant Relocation Assistance Policy*, which was approved on November 28, 2016.

The *Residential Tenant Relocation Assistance Policy* includes a suite of tools, forming a tenant assistance package that the applicant may use to provide additional financial and other assistance to tenants to ease their transition to a new home. Assistance includes such things as extending the notice period to tenants, additional months of free rent, assistance with moving expenses, bonus for long-time residents, right of first refusal to rent in the new building, rental discount for returning tenants, and purchase discount for returning tenants wishing to become owners.

This Policy applies to all rezoning applications that require the demolition of more than four rental units in an existing purpose-built residential rental development or in a mixed use building containing more than four purpose-built residential rental units.

This Policy is voluntary as the District cannot impose mandatory free-standing tenant relocation requirements on developers as residential tenancy falls under the jurisdiction of the Province, regulated by the *Residential Tenancy Act*, and this authority has not been delegated to municipalities.

Since approval of this Policy, the District has received a redevelopment application for an existing strata development where some of the owners have rented out their units to District residents. This has raised questions from Council as to whether the *Residential Tenant Relocation Assistance Policy* should be expanded to include these tenants as well.

ANALYSIS:

Strata housing in British Columbia can include condominiums, townhouses, duplexes, and single family homes in bare land strata corporations known as “strata subdivisions”. Strata living requires owners and residents to follow the *Strata Property Act* (provincial legislation), regulations, and the strata corporation’s bylaws and rules.

This legislative framework applies to *all* strata corporations in British Columbia, including single family homes in bare land strata corporations (“strata subdivisions”), as well as duplexes and triplexes, if they are strata-titled.

The District cannot impose mandatory free-standing tenant relocation requirements on developers, including strata living arrangements, however the District can negotiate tenant relocation requirements that would be voluntarily agreed-to by developers on a case-by-case basis as a condition of adoption of zoning amendments requested by a developer.

Tenants renting in existing strata developments that are to be demolished or redeveloped face the same challenges as tenants living in existing purpose-built rental housing to be demolished

**SUBJECT: Residential Tenant Relocation Assistance Policy - Proposed
Amendments**

November 23, 2017

Page 3

or redeveloped, regardless of tenure, in trying to find alternative affordable accommodation, especially given the ongoing low rental vacancy rates (<0.5%) in the District.

Staff therefore recommend the *Residential Tenant Relocation Assistance Policy* be expanded to include rezoning applications that require the demolition of any building containing more than four dwelling units that are being rented pursuant to residential tenancy agreements.

Financial Impacts:

Any cost associated with tenant relocation assistance will be the responsibility of the developer and will not impact the District directly. However, the tenant assistance program impacts overall project costs, which will likely impact Community Amenity Contributions (CACs). In accordance with the District's *Rental and Affordable Housing Strategy*, the financial implications will be considered on a case-by-case basis and communicated to Council at the time of rezoning.

Social Policy Implications:

The *Residential Tenant Relocation Assistance Policy* provides District residents facing eviction as a result of redevelopment with options on how to remain living in, and connected to, their communities. The proposed amendments will expand residential tenant assistance measures to existing tenants beyond those residing in purpose-built rental buildings.

Conclusion:

As the District faces increasing pressure from redevelopment of older rental buildings and older strata developments a policy to address the needs of displaced tenants is needed. The current *Residential Tenant Relocation Assistance Policy* provides assistance measures to address the needs of displaced tenants due to redevelopment for those tenants currently living in existing purpose-built rental buildings. The proposed amendments will expand these measures to provide assistance to existing tenants facing eviction from redevelopment, regardless of tenure.

SUBJECT: Residential Tenant Relocation Assistance Policy - Proposed Amendments

November 23, 2017

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Options:

THAT the November 23, 2017 report from the Senior Planner, entitled Residential Tenant Relocation Assistance Policy - Proposed Amendments be received for information; and

THAT the Committee refer the amended *Residential Tenant Relocation Assistance Policy* to a Regular Meeting of Council for consideration of approval.

Alternatively,

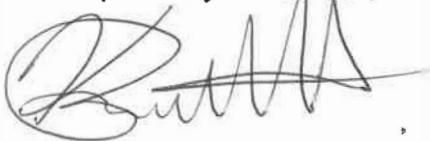
Advise staff on any preferred specific revisions and/or alternative directions regarding the amended *Residential Tenant Relocation Assistance Policy* and request these be addressed prior to Council's consideration of approval; or,

THAT the Committee not refer the amended *Residential Tenant Relocation Assistance Policy* to a Regular Meeting of Council for consideration of approval.

Attachment 1: *Residential Tenant Relocation Assistance Policy*, approved by Council on November 28, 2016

Attachment 2: Proposed Amendments to *Residential Tenant Relocation Assistance Policy*

Respectfully submitted,



Karen Rendek, MCIP, RPP
Senior Planner

REVIEWED WITH:		
<input type="checkbox"/> Sustainable Community Dev.	<input type="checkbox"/> Clerk's Office	External Agencies:
<input type="checkbox"/> Development Services	<input type="checkbox"/> Communications	<input type="checkbox"/> Library Board
<input type="checkbox"/> Utilities	<input type="checkbox"/> Finance	<input type="checkbox"/> NS Health
<input type="checkbox"/> Engineering Operations	<input type="checkbox"/> Fire Services	<input type="checkbox"/> RCMP
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<input type="checkbox"/> Human Resources	<input type="checkbox"/> Real Estate	



The Corporation of the District of North Vancouver

CORPORATE POLICY

Title	Residential Tenant Relocation Assistance Policy
Section	Development and Social Planning

POLICY

It is the policy of Council that, where an existing purpose built rental building is to be demolished or redeveloped, development applicants are to ensure that current tenants are provided with enhanced notice and assistance to enable them to find suitable alternative accommodation.

This policy is supported by the District's Official Community Plan through the following goals:

- Encourage and enable a diverse mix of housing type, tenure and affordability to accommodate the lifestyles and needs of people at all stages of life, and
- Foster a safe, socially inclusive and supportive community that enhances the health and well-being of all residents.

Council recognizes that existing purpose built rental buildings form an important source of affordable rental housing for many District residents. Ongoing low rental vacancy rates create challenges for tenants being displaced by redevelopment to find alternate affordable accommodations in a timely manner.

Policy approved on: November 28, 2016

Policy amended on:

PROCEDURE

The following procedure used to implement this policy does not form part of the policy. This procedure may be amended from time to time at the discretion of the Chief Administrative Officer. Adherence to this policy does not guarantee development approval from Council.

Applicability:

This policy is applicable to all rezoning applications that require the demolition of more than four rental units in an existing purpose built residential rental development or in a mixed use building containing more than four purpose built residential rental units. This policy and the measures outlined represent a voluntary commitment by the developer

applicant to provide additional measures to support renters' efforts to find suitable alternative accommodations.

Exemptions:

This policy does not apply to redevelopment that is permitted as an outright use under existing zoning and/or to private strata rental units.

Provisions:

Consideration of the following provisions are requested of development applicants as a voluntary commitment to implement the Residential Tenant Relocation Assistance policy:

A. Provisions at the Development Application Stage

The applicant should submit the following documents at the time of Development Application:

1. Current Occupancy Summary: With the following information:
 - a. Number of occupied and vacant units;
 - b. Type of tenancy for each tenant (e.g. periodic or fixed term);
 - c. Start and end of tenancy for each tenant;
 - d. Rent for each unit;
 - e. Number of bedrooms of each unit;
 - f. Mobility or accessibility features and/or other housing supports required by the tenant.

2. Tenants Assistance Package: An outline of the proposed assistance the applicant intends to offer tenants. In consideration of the scale of the redevelopment project this package may contain any or all of the following considerations:
 - a. Extension of the notice period;
 - b. Additional months of free rent;
 - c. Assistance with moving expenses;
 - d. Residency bonus for long time tenants;
 - e. First right to rent in new building;
 - f. Any rental discount for returning tenants; and
 - g. Any purchase discount for returning tenants wishing to become owners.

3. Tenant Communications Plan: An outline of how tenants will be involved and notified of input opportunities throughout the rezoning and development process. Information on tenant resources such as that available from the Tenant Resource and Advisory Centre should be made available to tenants and notifications posted in conspicuous places within the building(s). The applicant is responsible for providing copies of all written correspondence and notifications to tenants and to municipal planning staff. This material will be included in the staff report for Council review and consideration.

4. Tenant Relocation Co-ordinator: The applicant should designate a Tenant Relocation Co-ordinator to aid tenants in finding up to three comparable rental units in the municipality, or on the North Shore. The Tenant Relocation Co-ordinator should have regular hours during which they are available to the tenants and those hours should be convenient to the tenants. These hours should be posted in conspicuous places on-site.

The recommended maximum rent for the new units found by the Tenant Relocation Coordinator should be no more than 10% above current rent unless agreed to by tenant.

The Tenant Relocation Coordinator is responsible for tracking the units found for each tenant and submitting a status report to Planning staff prior to the issuance of a Demolition Permit. Tenants may opt out of this service by providing the Co-ordinator written notice.

Prior to the issuance of an Occupancy Permit the District must be presented with documentation on the status of all tenants including those who wish to relocate to the new building.

B. Provisions After Development Approval

If the rezoning is approved by Council, the following provisions are applicable:

1. After a Demolition Permit is issued by the municipality the applicant will provide all tenants with a minimum of two months' notice as required by the *Residential Tenancy Act*,
2. The applicant will provide all tenants with the compensations agreed to in the Tenants Assistance Package. The applicant should compensate all tenants, whether on periodic (month to month) or fixed term (lease) tenures, with three months' rent to assist in finding alternative accommodation. The applicant should also allow tenants who elect to vacate their units up to three months prior to the end of the "Notice to End Tenancy" period to leave without paying the outstanding rent and to qualify for any other provisions included in the Tenants Assistance Package,
3. The applicant is required to provide to Planning staff proof of delivery of the approved Tenant Assistance Package prior to the issuance of any Occupancy Permit.

Authority to Act:

Administration of this policy is delegated to the Sustainable Community Planning Department.



The Corporation of the District of North Vancouver

CORPORATE POLICY

Title	Residential Tenant Relocation Assistance Policy
Section	Development and Social Planning

POLICY

It is the policy of Council that, where an existing **purpose built rental multi-unit residential** building is to be demolished or redeveloped, development applicants are to ensure that current tenants are provided with enhanced notice and assistance to enable them to find suitable alternative accommodation.

This policy is supported by the District’s Official Community Plan through the following goals:

- Encourage and enable a diverse mix of housing type, tenure and affordability to accommodate the lifestyles and needs of people at all stages of life, and
- Foster a safe, socially inclusive and supportive community that enhances the health and well-being of all residents.

Council recognizes that existing **purpose built rental multi-unit residential** buildings form an important source of affordable rental housing for many District residents. Ongoing low rental vacancy rates create challenges for tenants being displaced by redevelopment to find alternate affordable accommodations in a timely manner.

Policy approved on: November 28, 2016

Policy amended on:

PROCEDURE

The following procedure used to implement this policy does not form part of the policy. This procedure may be amended from time to time at the discretion of the Chief Administrative Officer. Adherence to this policy does not guarantee development approval from Council.

Applicability:

This policy is applicable to all rezoning applications that require the demolition of more than four rental units in an existing **purpose built multi-unit residential rental** development or in a mixed use building containing more than four **purpose built residential rental** units. This policy and the measures outlined represent a voluntary commitment by the developer

applicant to provide additional measures to support renters' efforts to find suitable alternative accommodations.

Exemptions:

This policy does not apply to redevelopment that is permitted as an outright use under existing zoning and/or to private strata rental units.

Provisions:

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 - d. Rent for each unit;
 - e. Number of bedrooms of each unit;
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2. Tenants Assistance Package: An outline of the proposed assistance the applicant intends to offer tenants. In consideration of the scale of the redevelopment project this package may contain any or all of the following considerations:
 - a. Extension of the notice period;
 - b. Additional months of free rent;
 - c. Assistance with moving expenses;
 - d. Residency bonus for long time tenants;
 - e. First right to rent in new building;
 - f. Any rental discount for returning tenants; and
 - g. Any purchase discount for returning tenants wishing to become owners.

3. Tenant Communications Plan: An outline of how tenants will be involved and notified of input opportunities throughout the rezoning and development process. Information on tenant resources such as that available from the Tenant Resource and Advisory Centre should be made available to tenants and notifications posted in conspicuous places within the building(s). The applicant is responsible for providing copies of all written correspondence and notifications to tenants and to municipal planning staff. This material will be included in the staff report for Council review and consideration.

4. Tenant Relocation Co-ordinator: The applicant should designate a Tenant Relocation Co-ordinator to aid tenants in finding up to three comparable rental units in the municipality, or on the North Shore. The Tenant Relocation Co-ordinator should have regular hours during which they are available to the tenants and those hours should be convenient to the tenants. These hours should be posted in conspicuous places on-site.

The recommended maximum rent for the new units found by the Tenant Relocation Coordinator should be no more than 10% above current rent unless agreed to by tenant.

The Tenant Relocation Coordinator is responsible for tracking the units found for each tenant and submitting a status report to Planning staff prior to the issuance of a Demolition Permit. Tenants may opt out of this service by providing the Co-ordinator written notice.

Prior to the issuance of an Occupancy Permit the District must be presented with documentation on the status of all tenants including those who wish to relocate to the new building.

B. Provisions After Development Approval

If the rezoning is approved by Council, the following provisions are applicable:

1. After a Demolition Permit is issued by the municipality the applicant will provide all tenants with a minimum of two months' notice as required by the *Residential Tenancy Act*,
2. The applicant will provide all tenants with the compensations agreed to in the Tenants Assistance Package. The applicant should compensate all tenants, whether on periodic (month to month) or fixed term (lease) tenures, with three months' rent to assist in finding alternative accommodation. The applicant should also allow tenants who elect to vacate their units up to three months prior to the end of the "Notice to End Tenancy" period to leave without paying the outstanding rent and to qualify for any other provisions included in the Tenants Assistance Package,
3. The applicant is required to provide to Planning staff proof of delivery of the approved Tenant Assistance Package prior to the issuance of any Occupancy Permit.

Authority to Act:

Administration of this policy is delegated to the Sustainable Community Planning Department.

AGENDA INFORMATION	
<input checked="" type="checkbox"/> Council Workshop	Date: December 5, 2017
<input type="checkbox"/> Finance & Audit	Date: _____
<input type="checkbox"/> Advisory Oversight	Date: _____
<input type="checkbox"/> Other:	Date: _____

Dept. Manager	 GM/ Director	 CAO
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The District of North Vancouver REPORT TO COMMITTEE

November 23, 2017

File: 13.6480.30/003.000.000

AUTHOR: Dan Milburn, General Manager, Planning, Properties and Permits

SUBJECT: Landlord BC 'I Rent it Right' Certification

RECOMMENDATION:

THAT the November 23, 2017 report from the General Manager, Planning, Properties and Permits entitled Landlord BC 'I Rent it Right' Certification is received for information.

REASON FOR REPORT:

On May 8, 2017, Council received a delegation from Landlord BC and the Community Housing Action Committee (CHAC) providing information on the Landlord Registry and requested that Council consider mandatory membership for all landlords in the District. As a result, Council requested further information from staff on the implications of mandatory registration and certification of landlords.

SUMMARY:

While staff encourage Landlord BC's aims to provide education, improve professional standards, improve landlord competencies in legal rights and responsibilities, and provide an opportunity for prospective tenants to assess landlords, the District does not currently have the legal or administrative tools in place to mandate registration with Landlord BC. Furthermore, staff believe that Landlord BC is the appropriate agency to administer a program designed to educate landlords in BC.

BACKGROUND:

Landlord BC has launched a registry for landlords designed to professionalize the rental industry. The registry was developed to allow tenants to screen their potential landlords to ensure they are familiar with the basics of the *Residential Tenancy Act* – the statute which enables rental agreements in BC. To become registered landlords, they must pay a fee and successfully complete an online course, after which they receive an 'I Rent it Right' certificate and the right to be listed on the Landlord BC registry.

EXISTING POLICY:

The District does not require all landlords to obtain a business license, only those operating a professional property management business, or managing one or more purpose-built rental buildings. Therefore, the legal and administrative mechanisms are not in place to mandate all landlords obtain a certification.

ANALYSIS:

Landlord Registry

The Landlord Registry (www.landlordregistry.ca) provides landlords with an online course, test, and an "I Rent It Right" certification. The goal is to improve knowledge of the Residential Tenancy Act for landlords of rental properties from secondary suites in single-family houses to commercial rental properties. Tenants can search the Landlord Registry database to verify if a landlord has an "I Rent It Right" certificate. The course fee is \$39 and provides access to course materials and be listed in the Landlord Registry database for 3 years. Landlord registry is provided by Landlord BC. Staff believe that Landlord BC continues to be the appropriate agency to administer this certification.

Community Charter

Section 61 of the *Community Charter* enables local governments to establish "the examination or certification of a person engaged in a trade or occupation" except where certification or other evidence of competency is provided under a Provincial or Federal Act. This avoids duplication or conflict between these systems of government.

Examination and certification is considered with the review of business license applications, and is typically limited to verifying that appropriate Provincial and Federal certifications are in place for the business license applicant.

Conclusion:

Providing education and improving professional standards, improving landlord competencies in legal rights and responsibilities, and providing an opportunity for prospective tenants to assess landlords, are programs currently administered by Landlord BC. District staff support Landlord BC's continued administration of these programs, and do not recommend the District take on this role at this time.

Respectfully submitted,



Dan Milburn
General Manager
Planning, Properties and Permits

REVIEWED WITH:

- Sustainable Community Dev. _____
- Development Services _____
- Utilities _____
- Engineering Operations _____
- Parks _____
- Environment _____
- Facilities _____
- Human Resources _____

- Clerk's Office _____
- Communications _____
- Finance _____
- Fire Services _____
- ITS _____
- Solicitor _____
- GIS _____
- Real Estate _____

External Agencies:

- Library Board _____
- NS Health _____
- RCMP _____
- NVRC _____
- Museum & Arch. _____
- Other: _____

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AGENDA INFORMATION	
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The District of North Vancouver REPORT TO COMMITTEE

November 27, 2017
File: 13.640.00/000.000

AUTHOR: Graham Winterbottom, Senior Planner

SUBJECT: **Prioritized Multi-Family Sales to North Vancouver Residents**

RECOMMENDATION:

THAT staff be directed to discuss with developers opportunities to voluntarily prioritize the marketing and sale of new multi-family residential developments to north shore residents.

REASON FOR REPORT:

On October 18, 2017, Council passed a motion directing staff to bring forward a policy requesting that developers of new multi-family residential developments first make them available to North Shore residents for sixty days before permitting sales to others.

SUMMARY:

In exploring the possibility of implementing a policy that prioritizes the sale of multi-family units to local residents, staff has researched various initiatives by other Municipalities and considered the legal and administrative implications of administering a formal policy.

While the City of Vancouver is in the early stages of exploring a potential policy, both the DNV and the District of West Vancouver have, in recent years, considered voluntary offers from developers, in the absence of a formal policy, which restricts advanced sales to local residents. Staff is recommending this voluntary approach continue for several reasons: a formal policy approach is not within the powers of a municipality; it would have significant administrative challenges; and even if local governments were empowered to create such a formal policy it would likely breach our obligations under the *Canadian Charter of Rights and Freedoms*.

BACKGROUND:

Throughout the Metro Region, the issue of housing is a primary concern for local governments and citizens. As many residents seek to purchase housing, issues have been raised regarding their ability to access the market due to the practice of developers extending their presales, sales, and marketing campaigns to international buyers. To address this issue, several local governments, including the District, have supported voluntary efforts by developers to prioritize sales and marketing efforts to local residents.

In 2015, the developer of the Edgemont Senior Living project prioritized advanced sales to local residents. Specifically, a voluntary commitment was made by the developer to provide a 90-day period of advance registration to local residents living within a catchment area defined by the Edgemont Upper Capilano Community Association (EUCCA). Local seniors and adult children who wished to have their senior parents locally cared for were invited to pre-register on a priority placement list. As a result of this effort, the project received 101 deposits out of 125 units (80%) from eligible residents within the catchment area.

In 2016, residents of the District of West Vancouver raised concerns regarding the marketing and sales of a multi-family residential project by Westbank Developments to international buyers prior to local residents. In response to these concerns, Westbank voluntarily agreed to provide residents of West Vancouver with priority sales for the first 30 days of marketing, along with Metro Vancouver residents over the next 60 days. In addition, the purchase of bulk units was prohibited and buyers were required to sign a declaration that they will be the primary resident and would not sell their unit in the short term (flipping). As a result, 30% of total sales were acquired through the initiative and 100% of all new owners signed the declaration.

In October 2017, City of Vancouver Council passed a motion directing staff to bring forward a policy framework that gives residents who live and work in Metro Vancouver the first opportunity to purchase new pre-sale homes in Vancouver. In response, a high priority action item has been included as part of the City's recently released *Housing Vancouver Strategy* in which staff will consider various approaches to prioritizing new housing units for local residents. Initial considerations are similar to the West Vancouver approach and include voluntary developer marketing programs with time limited priority sales to local residents.

EXISTING POLICY:

Over the last several years, Council has adopted several policies which address the housing needs of local residents across the housing continuum.

The *Official Community Plan (OCP) Bylaw 7900*, 2011 as amended, provides a vision and direction for the growth of the District over a 20 year period. The OCP plays a role in meeting the housing needs of local residents by providing a more diverse range of housing types to meet the needs of residents of all ages and incomes within a network of local centres connected by sustainable transportation options.

The *Rental and Affordable Housing Strategy* (2016) furthers the housing goals of the OCP by focussing on the needs of low to moderate income households that are most likely to face challenges in finding appropriate and affordable housing on the North Shore.

ANALYSIS:

Concurrence:

The report has been reviewed by the Municipal Solicitor.

Social Policy Implications:

Since the approval of the Official Community Plan in 2011, staff have sought to implement the OCP vision of a diversity of housing choices for all residents within a network of centres. Through the OCP Implementation Review Report, staff completed a New Multi-Family Resident Survey and found a majority of respondents (54%) had lived on the North Shore before moving to their current home, with an additional 38% having lived in Metro Vancouver prior to moving to their current home. Complete responses to the previous home location question are summarized in Figure 1.0 below.

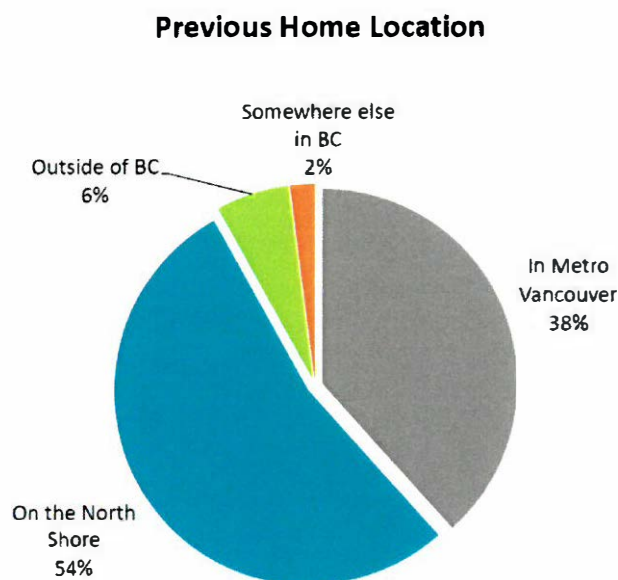


Figure 1.0

Liability/Risk:

Local governments have no authority to regulate or impose restrictions on who may or may not acquire real estate within their geographical boundaries. The zoning power cannot be used for this purpose because zoning is limited to regulating the use of land, not the users of land, nor the ownership of land. Likewise, housing agreements cannot be used for this purpose because housing agreements can only be used to regulate occupancy (e.g. the class of persons who may reside in improvements on land). Housing agreements cannot be used to regulate or restrict the class of persons who may own land. There are no other powers that have been delegated to local governments that would or could authorize such regulation or restriction.

Significant practical and administrative challenges would exist with a formal policy implementation, including defining who is a “local”, how to administer such a program and how it would be enforced. Again, even if such authority existed, an attempt to regulate or impose restrictions on ownership of real estate based on a local residency requirement could be challenged on the basis of discrimination under the *Canadian Charter of Rights and Freedoms*.

Conclusion:

This report provides an overview of the issues and implications of a policy designed to prioritize the sale of new multi-family residential units to local residents of the North Shore. Recent examples demonstrate the efficacy of voluntary agreements between developers and Municipalities to achieve the intent of such a policy, while eliminating the potential legal risks to the District. Staff is recommending we continue to work closely with developers to communicate the objectives of Council and encourage voluntary priority sales agreements for local residents of the North Shore.

Options:

THAT Council direct staff to discuss with developers opportunities to voluntarily prioritize the marketing and sale of new multi-family residential developments to north shore residents.

OR

THAT no further action be taken at this time.

Respectfully submitted,



Graham Winterbottom, MCIP, RPP
Senior Community Planner

REVIEWED WITH:					
<input type="checkbox"/> Sustainable Community Dev.	_____	<input type="checkbox"/> Clerk's Office	_____	External Agencies:	
<input type="checkbox"/> Development Services	_____	<input type="checkbox"/> Communications	_____	<input type="checkbox"/> Library Board	_____
<input type="checkbox"/> Utilities	_____	<input type="checkbox"/> Finance	_____	<input type="checkbox"/> NS Health	_____
<input type="checkbox"/> Engineering Operations	_____	<input type="checkbox"/> Fire Services	_____	<input type="checkbox"/> RCMP	_____
<input type="checkbox"/> Parks	_____	<input type="checkbox"/> ITS	_____	<input type="checkbox"/> NVRC	_____
<input type="checkbox"/> Environment	_____	<input checked="" type="checkbox"/> Solicitor	_____	<input type="checkbox"/> Museum & Arch.	_____
<input type="checkbox"/> Facilities	_____	<input type="checkbox"/> GIS	_____	<input type="checkbox"/> Other:	_____
<input type="checkbox"/> Human Resources	_____	<input type="checkbox"/> Real Estate	_____		

Housing Continuum

Materials to be circulated via agenda addendum.

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