

CORPORATION OF THE CITY OF NEW WESTMINSTER

BYLAW NO. 8085, 2019

A Bylaw to Amend Business Regulations and Licensing (Rental Units)

Bylaw No. 6926, 2004

WHEREAS the *Local Government Act* authorizes a local government to regulate and prohibit in relation to business; and

WHEREAS the City is experiencing a serious shortage of affordable market rental residential accommodation; and

WHEREAS the shortage of rental residential accommodation in the City is being exacerbated by the eviction of residential tenants from their homes to enable building owners to renovate their buildings and increase rents; and

WHEREAS the renovation of residential buildings can usually be approached by performing renovations on a suite by suite or floor by floor basis as suites or floors become vacant in the normal course of business; and

WHEREAS the residential tenancy legislation generally applicable in British Columbia permits owners to evict tenants in order to renovate or repair the tenant's home and to increase rents to recover the cost of significant repairs and renovations, in each case subject to certain limitations set out in the legislation; and

WHEREAS the residential tenancy legislation does not limit the circumstances in which tenants can be evicted to facilitate building renovations, or limit the amount by which a building owner may increase the rent for residential premises after having evicted a tenant; and

WHEREAS the Council has given notice of this bylaw to persons who consider themselves affected by the bylaw, by publishing a newspaper notice, posting a notice at the public notice posting place and providing a notice on the City's website, and has provided an opportunity to make written representations to the Council;

NOW THEREFORE THE CITY COUNCIL of the Corporation of the City of New Westminster in open meeting assembled ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as "Business Regulations and Licensing (Rental Units) Amendment Bylaw No. 8085, 2019."

2. Business Regulations and Licensing (Rental Units) Bylaw No. 6926, 2004 is amended by adding the following regulations as PART 6, and renumbering the subsequent parts and sections of the bylaw accordingly:

“PART 6 – BUILDING RENOVATIONS

45. Interpretation

In this Part,

“*Residential Tenancy Act*” means Chapter 78 of the Statutes of British Columbia 2002 and any successor legislation dealing with the relationship between residential landlords and their tenants.

46. Application

This Part does not apply to:

- (a) any *dwelling unit* in a *building* that has been determined by an architect or professional engineer or any governmental authority having jurisdiction, including the local assistant to the fire commissioner, to have been damaged by natural disaster, fire, water, smoke, insect infestation or structural failure to the point that it is unsafe for any person to occupy the building, if the determination of the architect, engineer or governmental authority is made in writing and a copy has been delivered to the City’s Chief License Inspector; or
- (b) any *dwelling unit* in a *building* in respect of which the Council has authorized an exemption under section 48.

47. Restriction on Evictions

- (a) No *owner* shall renovate or repair a *dwelling unit* in a manner that requires the *tenant* of the *dwelling unit* to vacate the unit unless the owner has obtained every building permit, plumbing permit, development permit, special development permit or heritage alteration permit required by any City bylaw and any other permit or approval required to authorize the renovation or repair, and has either:
 - i entered into a new *tenancy agreement* with the *tenant* on the same terms as the *tenancy agreement* pertaining to the *dwelling unit* being renovated or repaired, or terms that are more favourable to the tenant, in respect of a comparable *dwelling unit* in the same *building*, and provided a copy of the agreement to the Chief Licence Inspector; or

- ii made other arrangements in writing for the *tenant's* temporary accommodation during the course of the renovation or repair, and for their return to their original *dwelling unit* following completion of the renovation or repair, and provided to the Chief Licence Inspector satisfactory documentation of the arrangements including evidence of the *tenant's* consent to the arrangements.
- (b) For the purposes of subsection (a)(i),
 - i. a *dwelling unit* in another *building* that is located in the same neighbourhood as per Schedule A as the *building* that is being renovated or repaired and owned by the same *owner* is deemed to be a *dwelling unit* in the same *building*,
 - ii a *dwelling unit* is comparable to a *dwelling unit* that is being renovated or repaired if it has the same or a greater number of bedrooms and complies with the maintenance standards in Section 32 of the *Residential Tenancy Act* and Part 4 of this bylaw, and the rent for the unit is equal to or less than the rent for the *dwelling unit* that is being renovated or repaired; and
 - iii the new *tenancy agreement* may either transfer the *tenant's* tenancy permanently to the other *dwelling unit*, or entitle the *tenant* to occupy the other *dwelling unit* temporarily during the course of the renovation or repair and return to their original *dwelling unit* following completion of the renovation or repair.
- (c) No *owner* shall, having renovated or repaired a *dwelling unit* as permitted by subsection (a)(i), and whether or not the previous *tenant* is exercising a right of first refusal in respect of the *dwelling unit* under the *Residential Tenancy Act*, increase the rent payable in respect of the renovated or repaired *dwelling unit*, except as an “additional rent increase” approved under Part 3 of the *Residential Tenancy Act*.
- (d) The Chief Licence Inspector may require any *owner* to provide, prior to obtaining a business licence or business licence renewal under this bylaw, a statutory declaration that states the rent payable in respect of any *dwelling unit* prior to and following renovation or repair work that required the *tenant* of the *dwelling unit* to vacate the unit and, if the rent was increased, a copy of the director's approval of the rent increase under Part 3 of the *Residential Tenancy Act*.
- (e) The Chief Licence Inspector may issue or renew a business licence under this bylaw to an *owner* who has applied for an additional rent increase related to renovation or repair under Part 3 of the *Residential Tenancy Act* if the director has not yet decided the rent increase application, if in doing so the Inspector indicates on the licence that a surcharge may become payable under subsection (f) if the

additional rent increase is not allowed but the rent for the *dwelling unit* in question exceeds the rent that is allowed without the increase.

- (f) The Chief Licence Inspector may levy a monthly business licence surcharge on any *owner* who contravenes subsection (c), in the amount that is the difference between the rent permitted by that subsection and the rent that the *owner's* tenant is paying in respect of the *dwelling unit* that has been renovated or repaired, and may refuse to renew the business licence of any *owner* who, being subject to such a surcharge, has not paid the surcharge by the date on which the licence renewal is required.

48. Application for Exemption

- (a) An *owner* who is subject to section 47 may apply to the Council for an exemption from that section in respect of the *owner's building* or one or more portions of the *building*, on the grounds that the *owner's* renovation or repair plans cannot be safely implemented unless the *building* or portion is vacated.
- (b) An application under subsection (a) must be accompanied by a certification by an architect, professional engineer or qualified building code consultant that certifies that, after due consideration of all practical alternative approaches to the work, the implementation of the *owner's* renovation or repair plans requires that the *owner's building* be vacated in whole or in part.
- (c) The Council may require an *owner* who has provided a certification under subsection (b) to pay the City's cost in obtaining a second opinion from an architect, professional engineer or qualified building code consultant, as the case may be, on whether the implementation of the *owner's* plans requires that the *owner's building* be vacated.
- (d) The Council may, in approving an application for exemption, impose conditions pertaining to the relocation of *tenants*, including conditions related to the accommodation of *tenants* being displaced during and following the renovation or repair period and the rent that may be charged for the *dwelling units* following the completion of the renovations or repairs.
- (e) The Council may not refuse an application under this section if the certification mentioned in subsection (b) is provided and the repairs proposed by the *owner* are required by Part 4 of this bylaw or any other enactment respecting health or safety.”

Adopted February 4, 2019

Schedule A



KEY:

- 1. Queensborough
- 2. Connaught Heights
- 3. West End
- 4. Moody Park
- 5. Brow of the Hill
- 6. Glenbrooke North
- 7. Queen's Park
- 8. Massey Victory Heights
- 9. McBride Sapperton
- D. Downtown (including Quayside)