

REPORT

Climate Action, Planning and Development

To: Mayor Cote and Members of Council **Date:** November 1, 2021

From: Emilie K. Adin, MCIP **File:** 05.1020.20
Director, Climate Action, Planning and
Development

Item #: [Report Number]

Subject: Business Regulations and Licensing (Rental Unit) Bylaw: Next Steps

RECOMMENDATION

THAT Council give three readings to:

- Business Regulations and Licensing (Rental Units) Amendment Bylaw No. 8302, 2021 to repeal Part 6 of Business Regulations and Licensing (Rental Units) Bylaw No. 6926, 2004;
- Bylaw Notice Enforcement Amendment Bylaw No. 8298, 2021 to amend Bylaw Notice Enforcement Bylaw No. 7318, 2009; and
- Municipal Ticket Information Amendment Bylaw No. 8299, 2021 to amend Municipal Ticket Information Bylaw No. 8077, 2019.

THAT Council direct staff to give notice regarding an Opportunity to Be Heard on November 15, 2021 to enable interested parties to provide comment on the amendment to Business Regulations and Licensing (Rental Units) Bylaw No. 6926, 2004 that results in the repeal of Part 6.

THAT Council direct staff to proceed with the proposed communications strategy.

PURPOSE

To update Council regarding the implications of recent changes to the Residential Tenancy Act (RTA) that correlate to Part 6 of Business Regulations and Licensing (Rental Units) Bylaw No. 6926, 2004 and provide options for consideration.

BACKGROUND

On May 27, 2019, in response to numerous complaints regarding renovictions, City Council amended the *Business Regulations and Licensing (Rental Units) Bylaw* to include Part 6, a section that specifically aimed to deter renovictions and to provide protection to those tenants who may be displaced by large scale renovation work. The amendment was successful and resulted in a significant decrease in the number of reported renovictions and inquiries of concern. The City is considered a leader among municipalities across the nation for this work.

On July 1, 2021 the Province introduced new legislation that amended the Residential Tenancy Act (RTA) for the purpose of addressing renovictions. The new legislation requires landlords to apply for dispute resolution to obtain an Order to End Tenancy and an Order of Possession of the units. This process does *not* require a Notice to End Tenancy and, since the trigger in the City's Part 6 provisions is the issuance of the Notice to End Tenancy, renders the current Part 6 amendments inoperative.

DISCUSSION

The City's goal was to address renovictions and protect tenants from unscrupulous landlords. Part 6 of the City's bylaw achieved that goal. The Province has since stepped in to address the issue with legislation that protects tenants with a new, stronger process landlords must follow before doing any type of renovation. The new process requires application to the Residential Tenancy Branch for an Order to End Tenancy and an Order of Possession of the units. As Part 6 of the City's bylaw relied upon the old process which required a Notice to End Tenancy, this change to the RTA makes Part 6 inoperative.

There are two options for next steps for Council's consideration.

Option 1 – Repeal Part 6 of the bylaw and delete the corresponding sections from the municipal ticketing bylaws.

Good public administration means repealing bylaws that are inoperative and do not serve a purpose. Following the repeal of Part 6 Council can take time to observe the application of the new RTA provisions to confirm the need for, and inform their future consideration of new City regulations. While the amendments to the RTA are welcome, they may not go far enough to protect tenants and the City may need to re-enter this regulatory area should further problems be identified.

If Council chooses this option, staff recommend repealing the relevant sections of both municipal ticketing bylaws at the same time, as they are also inoperative.

Amending bylaws for consideration are in the Attachments of this report.

Option 2 – Do not repeal Part 6 of the bylaw and do not repeal the corresponding sections in the municipal ticketing bylaws.

Council is not required to repeal the bylaw, despite the fact that it is inoperative as currently drafted. However, it is not good public administration to have bylaws that are obsolete and do not serve a purpose. If, after observing the new RTA provisions, Council determines additional protections are required at the municipal level, repealing Part 6 and amending the municipal ticketing bylaws would be required prior to enacting new regulations.

NEXT STEPS

If Council endorses the staff recommendation, notice will be given to the community regarding an Opportunity to be Heard to be held on November 15, 2021 for interested parties to provide written representation for Council consideration.

Once staff has received Council's direction, staff will communicate with the community and relevant stakeholders regarding the status of the bylaw and the implications of changes to the RTA including but not limited to: a press release, FAQs, updates to City webpage, and a notice in Citypage.

INTERDEPARTMENTAL LIAISON

Planning, Communications and Economic Development staff provided input to this report.

OPTIONS

The following options are available for Council's consideration:

1. That Council give three readings to:
 - Business Regulations and Licensing (Rental Units) Amendment Bylaw No. 8302, 2021 to repeal Part 6 of Business Regulations and Licensing (Rental Units) Bylaw No. 6926, 2004;
 - Bylaw Notice Enforcement Amendment Bylaw No. 8298, 2021 to amend Bylaw Notice Enforcement Bylaw No. 7318, 2009; and
 - Municipal Ticket Information Amendment Bylaw No. 8299, 2021 to amend Municipal Ticket Information Bylaw No. 8077, 2019.
2. That Council direct staff to give notice regarding an Opportunity to Be Heard on November 15, 2021 to enable interested parties to provide comment on the amendment to *Business Regulations and Licensing (Rental Units) Bylaw No. 6926, 2004* that results in the repeal of Part 6.
3. That Council direct staff to proceed with the proposed communications strategy.

4. That Council does not repeal Part 6 of Business Regulations and Licensing (Rental Units) Bylaw No. 6926, 2004 nor the corresponding sections in the municipal ticketing bylaws, and proceeds with proposed communication strategy.
5. That Council provide staff with alternative direction.

Staff recommend option 1, 2, and 3.

ATTACHMENTS

Attachment 1 – Business Regulations and Licensing (Rental Units) Amendment Bylaw No. 8302, 2021

Attachment 2 – Bylaw Notice Enforcement Amendment Bylaw No. 8298, 2021

Attachment 3 – Municipal Ticket Information Amendment Bylaw No. 8299, 2021

APPROVALS

This report was prepared by:

Jackie Teed, Senior Manager, Climate Action, Planning and Development

Kim Deighton, Manager, Licensing and Strategic Services

This report was reviewed by:

Blair Fryer, Manager, Communications & Economic Development

Craig MacFarlane, Manager, Legal Services

This report was approved by:

Emilie Adin, Director, Climate Action, Planning and Development

Lisa Spitale, Chief Administrative Officer

Attachment 1

Business Regulations and Licensing (Rental Units) Amendment Bylaw

No. 8302, 2021

**CORPORATION OF THE CITY OF NEW WESTMINSTER
BYLAW NO. 8302, 2021**

A Bylaw to Amend Business Regulations and Licensing (Rental Units) Bylaw No. 6926,
2004

The Council of The Corporation of the City of New Westminster in open meeting assembled ENACTS AS FOLLOWS:

Citation

1. This Bylaw may be cited for all purposes as “Business Regulations and Licensing (Rental Units) Amendment Bylaw No. 8302, 2021.”

Amendments

2. Business Regulations and Licensing (Rental Units) Bylaw No. 6926, 2004 is amended by:
 - a. Deleting Part 6 in its entirety.
3. Business Regulations and Licensing (Rental Units) Bylaw No. 6926, 2004 is further amended by making such consequential changes as are required to give effect to the amendments particularized in this bylaw, including changes to the format, numbering and table of contents.
4. These amendments shall come into effect upon adoption.

GIVEN FIRST READING THIS _____ day of _____ 2021.

GIVEN SECOND READING THIS _____ day of _____ 2021.

GIVEN THIRD READING THIS _____ day of _____ 2021.

ADOPTED THIS _____ day of _____ 2021.

Mayor Jonathan X. Cote

Jacque Killawee, City Clerk

Attachment 2

Bylaw Notice Enforcement Amendment Bylaw No. 8298, 2021

CORPORATION OF THE CITY OF NEW WESTMINSTER
BYLAW NO. 8298, 2021

A Bylaw to amend New Westminister
Bylaw Notice Enforcement Bylaw No. 7318, 2009

WHEREAS the Council of the Corporation of the City of New Westminister has adopted Bylaw Notice Enforcement Bylaw No. 7318, 2009;

AND WHEREAS the Council of the Corporation of the City of New Westminister wishes to amend Bylaw Notice Enforcement Bylaw No. 7318, 2009;

NOW THEREFORE the Council of the Corporation of the City of New Westminister in open meeting assembled ENACTS AS FOLLOWS:

Citation

1. This Bylaw may be cited for all purposes as “Bylaw Notice Enforcement Amendment Bylaw No. 8298, 2021”.

Amendments

2. Bylaw Notice Enforcement Bylaw No. 7318, 2009 is hereby amended by:
 - i) Deleting Schedule A – Contraventions and Penalties, Part 5 in its entirety and replacing it with Schedule A – Contraventions and Penalties, Part 5 attached to and forming part of this Bylaw.

GIVEN FIRST READING this day of , 2021.

GIVEN SECOND READING this day of , 2021.

GIVEN THIRD READING this day of , 2021.

ADOPTED this day of , 2021.

MAYOR JONATHAN X. COTE

JACQUE KILLAWEE, CITY CLERK

SCHEDULE A – CONTRAVENTIONS AND PENALTIES

Part 5

Business Regulations and Licensing (Rental Units) Bylaw No. 6926, 2004

A1	A2	A3	A4	A5	A6	A7
Bylaw No.	Section	Description	Penalty (\$)	Early Payment Penalty (\$)	Late Payment Penalty (\$)	Compliance Agreement Available (50% of Penalty)
6926, 2004	9(a)I	Fail to Comply With Order	500.00	450.00	525.00	YES
6926, 2004	9(a)II	Obstruct Inspector	500.00	475.00	525.00	NO
6926, 2004	11(c)	Rental unit/no licence	250.00	200.00	275.00	NO
6926, 2004	17	Fail to Maintain Tenant Registry	200.00	150.00	225.00	NO
6926, 2004	21	Infestation of Pests	200.00	150.00	225.00	NO
6926, 2004	22(a)	Improper Storage of Garbage	200.00	150.00	225.00	NO
6926, 2004	22(b)	Improper Storage of Garbage Bags	200.00	150.00	225.00	NO
6926, 2004	22(c)	Insufficient garbage storage	200.00	150.00	225.00	NO
6926, 2004	22(d)	Maintenance of Garbage Receptacles	200.00	150.00	225.00	NO
6926, 2004	22(e)	Unclean garbage chute/room	200.00	150.00	225.00	NO
6926, 2004	22(f)	Temporary garbage storage area not maintained	200.00	150.00	225.00	NO
6926, 2004	23	Structural components not maintained	200.00	150.00	225.00	NO
6926, 2004	24	Foundation not maintained	200.00	150.00	225.00	NO
6926, 2004	25(a)	Exterior walls not maintained	200.00	150.00	225.00	NO
6926, 2004	25(b)	Exterior wall extensions not maintained/anchored	200.00	150.00	225.00	NO
6926, 2004	25(c)	Exterior wall facings not maintained/anchored	200.00	150.00	225.00	NO
6926, 2004	25(d)	Mechanical ventilating system not maintained	200.00	150.00	225.00	NO
6926, 2004	26(a)	Doors/windows not maintained/weather tight	200.00	150.00	225.00	NO
6926, 2004	26(b)	Exterior openings not protected	200.00	150.00	225.00	NO
6926, 2004	26(c)	Locks not provided/maintained	200.00	150.00	225.00	NO
6926, 2004	26(d)	Ventilation/natural light not provided/maintained	200.00	150.00	225.00	NO
6926, 2004	26(e)	Ventilation system not maintained	200.00	150.00	225.00	NO
6926, 2004	26(f)	No Ventilation in Sanitary Facility	200.00	150.00	225.00	NO
6926, 2004	27	Leaking roof	200.00	150.00	225.00	NO

SCHEDULE A – CONTRAVENTIONS AND PENALTIES

Part 5

Business Regulations and Licensing (Rental Units) Bylaw No. 6926, 2004

A1	A2	A3	A4	A5	A6	A7
Bylaw No.	Section	Description	Penalty (\$)	Early Payment Penalty (\$)	Late Payment Penalty (\$)	Compliance Agreement Available (50% of Penalty)
6926, 2004	28	Stairways/balconies/porches not maintained	200.00	150.00	225.00	NO
6926, 2004	29(a)	Basement floor drains not maintained	200.00	150.00	225.00	NO
6926, 2004	29(b)	Basement floor not maintained	200.00	150.00	225.00	NO
6926, 2004	30(a)	Floors not maintained	200.00	150.00	225.00	NO
6926, 2004	30(b)	Unsafe floor covering	200.00	150.00	225.00	NO
6926, 2004	30(c)	Moisture resistant flooring not provided	200.00	150.00	225.00	NO
6926, 2004	31(a)	Walls/ceilings not maintained	200.00	150.00	225.00	NO
6926, 2004	32(a)	Plumbing/plumbing fixtures not maintained	200.00	150.00	225.00	NO
6926, 2004	32(b)	Inadequate supply of hot/cold water	200.00	150.00	225.00	NO
6926, 2004	33(a)	Unsafe gas systems/appliances	200.00	150.00	225.00	NO
6926, 2004	33(b)	Appliance venting not maintained	200.00	150.00	225.00	NO
6926, 2004	34(a)	Heating system not maintained / turned on	200.00	150.00	225.00	NO
6926, 2004	34(b)	Improper heating sources	200.00	150.00	225.00	NO
6926, 2004	35(a)	Electrical systems not maintained	200.00	150.00	225.00	NO
6926, 2004	35(b)	Artificial lighting inadequate / not maintained	200.00	150.00	225.00	NO
6926, 2004	36(a)	Interior fire and health safety hazards	200.00	150.00	225.00	NO
6926, 2004	37(a)	Laundry facilities not provided	200.00	150.00	225.00	NO
6926, 2004	37(b)	Laundry rooms not maintained	200.00	150.00	225.00	NO
6926, 2004	37(c)	Insufficient laundry facilities	200.00	150.00	225.00	NO
6926, 2004	38(a)	Elevator not maintained / certified	200.00	150.00	225.00	NO
6926, 2004	38(b)	Elevator fixtures not maintained	200.00	150.00	225.00	NO
6926, 2004	39	Store wrecked vehicle / rubbish in parking area	200.00	150.00	225.00	NO
6926, 2004	40(a)	Disconnect services and utilities	200.00	150.00	225.00	NO
6926, 2004	41(a)	Inadequate ceiling height	200.00	150.00	225.00	NO

SCHEDULE A – CONTRAVENTIONS AND PENALTIES

Part 5

Business Regulations and Licensing (Rental Units) Bylaw No. 6926, 2004

A1	A2	A3	A4	A5	A6	A7
Bylaw No.	Section	Description	Penalty (\$)	Early Payment Penalty (\$)	Late Payment Penalty (\$)	Compliance Agreement Available (50% of Penalty)
6926, 2004	41(b)	Inadequate floor area for sleeping units	200.00	150.00	225.00	NO
6926, 2004	41(c)	Inadequate floor area for housekeeping unit	200.00	150.00	225.00	NO
6926, 2004	41(d)	Inadequate floor area per occupant sleeping / housekeeping unit	200.00	150.00	225.00	NO
6926, 2004	41(e)	Inadequate floor area for dwelling unit used by one person	200.00	150.00	225.00	NO
6926, 2004	41(f)	Inadequate floor area for dwelling unit used by more than one person	200.00	150.00	225.00	NO
6926, 2004	42(a)	Store / permit storage of foods or permit facility for cooking	200.00	150.00	225.00	NO
6926, 2004	42(b)	Prepare or permit preparation of food	200.00	150.00	225.00	NO
6926, 2004	42(c)	Community kitchen not provided / maintained	200.00	150.00	225.00	NO
6926, 2004	42(d)	Kitchen area not provided / maintained for housekeeping / dwelling units	200.00	150.00	225.00	NO
6926, 2004	43(a)	Hand basin / toilet not provided / maintained for sleeping / housekeeping units	200.00	150.00	225.00	NO
6926, 2004	43(b)	Bathtub / shower not provided / maintained for sleeping / housekeeping units	200.00	150.00	225.00	NO
6926, 2004	43(c)	Bathtub / shower, toilet, hand basin not provided / maintained in dwelling units	200.00	150.00	225.00	NO
6926, 2004	43(d)	Rooms containing sanitary facilities not maintained	200.00	150.00	225.00	NO

Attachment 3

Municipal Ticket Information Amendment Bylaw No. 8299, 2021

CORPORATION OF THE CITY OF NEW WESTMINSTER
BYLAW NO. 8299, 2021

A Bylaw to amend New Westminster
Municipal Ticket Information Bylaw No. 8077, 2019

WHEREAS the Council of the Corporation of the City of New Westminster has adopted "Municipal Ticket Information Bylaw No. 8077, 2019";

AND WHEREAS the Council of the Corporation of the City of New Westminster wishes to amend "Municipal Ticket Information Bylaw No. 8077, 2019";

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

Citation

1. This Bylaw may be cited for all purposes as "Municipal Ticket Information Amendment Bylaw No. 8299, 2021".

Amendments

2. Municipal Ticket Information Bylaw No. 8077, 2019 is hereby amended by:
 - i) Deleting Schedule B – Contraventions and Penalties, Part 5 in its entirety and replacing it with Schedule B – Contraventions and Penalties, Part 5 attached to and forming part of this Bylaw.

GIVEN FIRST READING this day of , 2021.

GIVEN SECOND READING this day of , 2021.

GIVEN THIRD READING this day of , 2021.

ADOPTED this day of , 2021.

MAYOR JONATHAN X. COTE

JACQUE KILLAWEE, CITY CLERK

SCHEDULE B – CONTRAVENTIONS AND PENALTIES

Part 5

Business Regulations and Licensing (Rental Units) Bylaw No. 6926, 2004

1	2	3	4
Bylaw No.	Section	Description	Penalty (\$)
6926, 2004	9(a)I	Fail to Comply With Order	1,000.00
6926, 2004	9(a)II	Obstruct inspector	1,000.00
6926, 2004	11(c)	Rental unit/no licence	1,000.00
6926, 2004	17	Fail to Maintain Tenant Registry	750.00
6926, 2004	21	Infestation of Pests	750.00
6926, 2004	22(a)	Improper Storage of Garbage	750.00
6926, 2004	22(b)	Improper Storage of Garbage Bags	750.00
6926, 2004	22(c)	Insufficient garbage storage	750.00
6926, 2004	22(d)	Maintenance of Garbage Receptacles	750.00
6926, 2004	22(e)	Unclean garbage chute/room	750.00
6926, 2004	22(f)	Temporary garbage storage area not maintained	750.00
6926, 2004	23	Structural components not maintained	750.00
6926, 2004	24	Foundation not maintained	750.00
6926, 2004	25(a)	Exterior walls not maintained	750.00
6926, 2004	25(b)	Exterior wall extensions not maintained/anchored	750.00
6926, 2004	25(c)	Exterior wall facings not maintained/anchored	750.00
6926, 2004	25(d)	Mechanical ventilating system not maintained	750.00
6926, 2004	26(a)	Doors/windows not maintained/weather tight	750.00
6926, 2004	26(b)	Exterior openings not protected	750.00
6926, 2004	26(c)	Locks not provided/maintained	750.00
6926, 2004	26(d)	Ventilation/natural light not provided/maintained	750.00
6926, 2004	26(e)	Ventilation system not maintained	750.00
6926, 2004	26(f)	No Ventilation in Sanitary Facility	750.00
6926, 2004	27	Leaking roof	750.00
6926, 2004	28	Stairways/balconies/porches not maintained	750.00
6926, 2004	29(a)	Basement floor drains not maintained	750.00
6926, 2004	29(b)	Basement floor not maintained	750.00
6926, 2004	30(a)	Floors not maintained	750.00
6926, 2004	30(b)	Unsafe floor covering	750.00
6926, 2004	30(c)	Moisture resistant flooring not provided	750.00
6926, 2004	31(a)	Walls/ceilings not maintained	750.00
6926, 2004	32(a)	Plumbing/plumbing fixtures not maintained	750.00
6926, 2004	32(b)	Inadequate supply of hot/cold water	750.00
6926, 2004	33(a)	Unsafe gas systems/appliances	750.00
6926, 2004	33(b)	Appliance venting not maintained	750.00
6926, 2004	34(a)	Heating system not maintained / turned on	750.00
6926, 2004	34(b)	Improper heating sources	750.00
6926, 2004	35(a)	Electrical systems not maintained	750.00
6926, 2004	35(b)	Artificial lighting inadequate / not maintained	750.00

SCHEDULE B – CONTRAVENTIONS AND PENALTIES

Part 5

Business Regulations and Licensing (Rental Units) Bylaw No. 6926, 2004

1	2	3	4
Bylaw No.	Section	Description	Penalty (\$)
6926, 2004	36(a)	Interior fire and health safety hazards	750.00
6926, 2004	37(a)	Laundry facilities not provided	750.00
6926, 2004	37(b)	Laundry rooms not maintained	750.00
6926, 2004	37(c)	Insufficient laundry facilities	750.00
6926, 2004	38(a)	Elevator not maintained / certified	750.00
6926, 2004	38(b)	Elevator fixtures not maintained	750.00
6926, 2004	39	Store wrecked vehicle / rubbish in parking area	750.00
6926, 2004	40(a)	Disconnect services and utilities	1,000.00
6926, 2004	41(a)	Inadequate ceiling height	750.00
6926, 2004	41(b)	Inadequate floor area for sleeping units	750.00
6926, 2004	41(c)	Inadequate floor area for housekeeping unit	750.00
6926, 2004	41(d)	Inadequate floor area per occupant sleeping / housekeeping unit	750.00
6926, 2004	41(e)	Inadequate floor area for dwelling unit used by one person	750.00
6926, 2004	41(f)	Inadequate floor area for dwelling unit used by more than one person	750.00
6926, 2004	42(a)	Store / permit storage of foods or permit facility for cooking	750.00
6926, 2004	42(b)	Prepare or permit preparation of food	750.00
6926, 2004	42(c)	Community kitchen not provided / maintained	750.00
6926, 2004	42(d)	Kitchen area not provided / maintained for housekeeping / dwelling units	750.00
6926, 2004	43(a)	Hand basin / toilet not provided / maintained for sleeping / housekeeping units	750.00
6926, 2004	43(b)	Bathtub / shower not provided / maintained for sleeping / housekeeping units	750.00
6926, 2004	43(c)	Bathtub / shower, toilet, hand basin not provided / maintained in dwelling units	750.00
6926, 2004	43(d)	Rooms containing sanitary facilities not maintained	750.00