

Frequently Asked Questions

What is Business Regulations and Licensing (Rental Units) Amendment Bylaw No. 8085, 2019?

The City has put in place new rules regarding the eviction of tenants for the purposes of building renovations.

The Business Regulations and Licensing (Rental Units) Bylaw enacted in 2004 which regulates residential rental units by requiring that landlords be licensed and by prescribing minimum maintenance standards, was amended by Bylaw No. 8085 to add new regulations pertaining to building renovations and specific restrictions relating to evictions, including:

- provisions for relocation or temporary accommodation for tenants in situations when evictions will occur;
- provisions to prohibit increases in rent payable following renovations;
- monetary penalties for contravening the bylaw; and,
- conditions under which exemptions would be considered.

The purpose of the City's new regulations is to discourage landlords from evicting tenants for building renovations without making arrangements for the tenant to continue their tenancy during and after the renovations.

Amendment Bylaw No. 8085 is one of several components of the Rental Housing Revitalization Program endorsed by Council on January 14, 2019.

What prompted the need for the amendment?

The practice of renovictions (eviction for the purpose of carrying out building renovations and avoiding provincial limitations on rent increases) has become commonplace in New Westminster. Between 2016 and 2018 there is evidence that renovictions have occurred in at least fifteen rental buildings in New Westminster, affecting at least 349 units. To mitigate losses of affordable rental units, Mayor and Council adopted the Rental Housing Revitalization Program. The program aims to discourage renovictions and encourage the long-term maintenance of purpose-built rental buildings. Bylaw No. 8085, now adopted, is part of this program. This bylaw and certain incentives are being explored in a consultation program with industry and land owners.

I am a tenant. What should I do if I live in a purpose-built rental building and I receive an eviction notice?

The new rules require that, prior to evicting tenants, the property owner must provide tenants with:

- alternative accommodation while the work is being carried out; and,
- an opportunity to return to the renovated unit without a rent increase, subject to any rent increase permitted under the BC Residential Tenancy Act.

If you have received an eviction notice and have not been given a relocation opportunity, contact the Manager of Licensing and Integrated Services (contact information included at the end of this document).

What happens if rental building owners / landlords don't comply with the bylaw?

Monetary fines may be levied against those owners/landlords who do not comply with the bylaw. Fines will range from \$500 to \$1000 and will address:

- Eviction without permits
- Eviction without relocating tenant
- Failure to provide relocation agreement
- Failure to provide relocation documentation
- Excessive rent increase

For continued non-compliance the City will consult with the City Solicitor to determine an appropriate course of action which could include but not be limited to revocation of the owner/landlord's business license.

I own a rental building. How do the new regulations affect me when I want to renovate?

It is in everyone's best interest for property owners to maintain and renovate their properties in order to keep them safe and aesthetically pleasing. Renovations that do not require tenants to vacate are strongly encouraged.

Renovations requiring rental units to be vacated require the owner to:

- Obtain ALL permits required to perform the work prior to beginning the work; and,
- Either
 - enter into a new tenancy agreement with the affected tenant on the same terms as the renovated unit, or terms that are more favourable in a comparable unit in the same building, and provide a copy of that agreement to the Chief License Inspector OR
 - arrange for the tenant's temporary accommodation for the duration of the renovation, and for their return to their original *dwelling unit* following completion of the renovation or repair, at the same rent subject to any increase permitted by the Residential Tenancy Act, and provide

documentation to the Chief License Inspector confirming the arrangements and the tenant's consent.

Would the new tenancy agreement have a cap on the new rent amount?

The bylaw requires that, under this option, the tenancy agreement contain the same terms as the tenant's existing tenancy agreement. This would include the rent payable for the tenant's new unit.

I own a rental building. How will the new regulations affect my ability to obtain a business license or renew an existing business license?

All owners of residential rental properties must have a valid business license to operate in New Westminster. Whether applying for a new license or renewing an existing license at year end, you may be required to submit a statutory declaration stating the rent amounts payable prior to and following renovations carried out since the adoption of Bylaw No. 8085. If the amount is higher after the renovation you may be required to submit a copy of the Residential Tenancy Branch Director's approval of the rent increase.

Are there any exemptions to the new regulations?

Yes. For renovations that cannot be safely implemented without the building or a portion thereof being vacated, owners can apply to City Council for an exemption. The application requires written confirmation from a prescribed professional confirming the building or unit needs to be vacated. A second opinion may be requested at the owner's cost. In granting an exemption, City Council may impose terms and 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.

Bylaw No. 8085 does not apply to buildings that have been badly damaged by fire or other natural causes.

Who can I contact if I have questions?

Questions can be directed to Licensing and Integrated Services, either by email at bylawenforcement@newwestcity.ca or by telephone at 604-527-4657.